

**REPORT - PLANNING COMMISSION MEETING**  
**June 10, 2004**

**Project Name and Number:** **Housing Implementation Program 18**  
**(PLN2004-0265, PLN2004-00266, 2004-00267, 2004-00268, 2004-00269, 00270)**

**Applicant:** City of Fremont

**Proposal:** To consider a City-initiated General Plan Amendment and Rezoning application to allow either multi-family housing or a combination of multi-family housing and commercial use on multiple parcels comprising 38.73 acres of land that are located in six separate portions of the city, as follows:

Site 1 (PLN2004-00266) to re-designate 2 parcels consisting of approximately 2.76 acres of land located on the southeast corner of Fremont Boulevard and Beard Road from Medium Density Residential (6.5 to 10 dwellings per acres) to Medium-density (18 – 23 du/ac) and to rezone said property from R-1-6 (Single Family Residential, 6,000 sq. ft. lot size) district to the R-3-23 (Multiple Family Residential District).

Site 2 (PLN2004-00265) to rezone 3 parcels consisting of approximately 5 acres located on the south side of Fremont Boulevard west of Ferry Lane from the R-G-24 (Garden Apartment Residential, 2400 sq. ft. minimum lot size per dwelling) district to the R-3-23 (Multiple Family Residential) District.

Site 3 (PLN2004-00268) to re-designate 10 parcels consisting of approximately 6.55 acres located on the northwest corner of Fremont Boulevard and Decoto Road from a combination of NC-Neighborhood Commercial and Low Density Residential (5 to 7 dwellings per acre) in the General Plan and Centerville Specific Plan to Medium Density Residential (18 to 23 dwellings/acre) and a combination of NC – Neighborhood Commercial and/or Medium Density (18-23 units per acre)), at the corner of Fremont Boulevard and Decoto Road. The redesignation will remove Study Area 6 designation from the subject Site 3 parcels only, and it will include 2 parcels at the corner of Fremont Boulevard and Decoto Road in Study Area 8 of the Centerville Specific Plan. The project also includes rezoning of the site from the R-1-6 (Single Family Residential, 6,000 sq. ft. lot size) district and several P (Planned Districts) to the P-2004-268 (Planned District).

Site 4 (PLN2004-00270) to re-designate 5 parcels located at the corner of Mission Boulevard and Mowry Avenue consisting of approximately 5.41 acres of land (five parcels) from Low Density Residential (5 to 7 dwellings per acre) to Medium Density Residential (15 -18 dwellings per acre), and to rezone 6.45 acres (six parcels) from the R-1-6 (Single Family Residential, 6,000 sq. ft. lot size) district to the R-3-18 (Multiple Family Residential) District.

Site 5 (PLN2004-00267) to re-designate 1 parcel of land located on the northeast corner of Walnut Avenue and Guardino Avenue consisting of approximately 14 acres of land from Medium Density Residential (15 - 18 dwellings per acre) to High Density Residential (27 - 35 dwellings per acre), and to rezone from P-94-2 (Planned District) to the P-2004-267 (Planned District).

Site 6 (PLN#2004-00269) Area has been removed from consideration at this time. (Some text referring to this site may still occur in this staff report.)

**Recommended Action:** Recommend to City Council

**Location:** **Site 1 (PLN2004-00266)** consists of approximately 2.76 acres located on the southeast corner of Fremont Boulevard and Beard Road in the Northern Plain Planning Area.  
**Site 2 (PLN2004-00265)** consists of approximately 5 acres of land located in three separate parcels on the south side of Fremont Boulevard, west of the intersection of Fremont Boulevard and Ferry Lane in the Northern Plain Planning Area.  
**Site 3 (PLN2004-00268)** consists of approximately 6.55 acres and is located on the on the northwest corner of Fremont Boulevard and Decoto Road and up to Ferry Lane, in the Northern Plain Planning Area.  
**Site 4 (PLN2004-00270)** consists of approximately 6.45 acres of land located in 5 separate parcels on the southwest corner of Mission Boulevard and Mowry Avenue in the Central Planning Area.  
**Site 5 (PLN2004-00267)** consists of approximately 14 acres of land located on the northeast corner of Walnut Avenue and Guardino Avenue in the Central Planning area.  
**Site 6 (PLN2004-00269)** Area has been removed from consideration at this time.

**Assessor Parcel Number(s):**  
**Site 1:** 543-0336-023-00; 543-0336-024-00  
**Site 2:** 543-0247-163-02; 543-0247-161-02; 543-0247-162-02;  
**Site 3:** 543-0300-013-02; 543-0300-012-02; 543-0300-011-02; 543-0300-010-06; 543-0300-002-02; 543-0300-001-04; 543- 0410-108-00; 543-0300-014-00; 543-0300-003-03; 543- 0300-003-02  
**Site 4:** 507-0527-038-02; 507-0527-039-02; 507-0527-038-02; 507-0527-034-00; 507-0527-034-00; 507-0527-040-00  
**Site 5:** 507-0400-010-06

**Area:** +/- 38.73Acres

**Owners:**  
**Site 1:** Ken Miyake and Ouye Noble  
**Site 2:** George Mayme, Roderick Mayme and Eleanor Azevedo  
**Site 3:** Norihiro & Rieko Kawabata; Bruce Velez: Jung Chu Y LLC; Fremont Investments, LLC; Armando & Carmen Jaramillo; Chou Chikang & Daniel Roberts; David C. & Dorothy Petersen; Wahid & Prabha W. Ali; Virginia P. Abel Tr.; Society of St. Vincent De Paul Alameda County  
**Site 4:** Martin A. Spellman; Joseph Menzies; Laura L. Silva Tr.; Mahesh Patel  
**Site 5:** Salvatore R. & Betty A. Guardino

**Agent of Applicant:** None

**Consultant(s):** None at this time

**Environmental Review:** A Mitigated Negative Declaration was prepared and circulated for this project.

**Existing General Plan:**  
**Site 1:** Medium Density (6.5 – 10 du/ac) and Gateway  
**Site 2:** Medium Density (18 – 23 du/ac)  
**Site 3:** Low Density (5 – 7 du/ac); Neighborhood Commercial & Study Area 6  
**Site 4:** Low Density (5 – 7 du/ac), Medium Density (15 – 18 du/ac) and Foot Trail  
**Site 5:** Medium Density (15 – 18 du/ac)  
**Site 6:** Medium Density (6.5 – 10 du/ac) and Collector street

**Existing Zoning:**  
**Site 1:** R-1-6  
**Site 2:** R-G-24  
**Site 3:** R-1-6, P, P-95-1 and P-97-7  
**Site 4:** R-1-6

**Site 5: P-94-2**

**Existing Land Use:**

Vacant and underutilized lands with the following uses:

**Site 1:** Fruit stand with parking lot; single family home; open storage area for the fruit stand operation, storage of construction equipment and a barn

**Site 2:** single-family homes

**Site 3:** single-and two-family homes, vacant commercial building and thrift store

**Site 4:** single-family homes, three homes on one site

**Site 5:** fruit stand, single-family dwelling and associated outbuildings; agricultural lands

**Public Hearing Notice:** Public hearing notification is applicable. A total of 2006 notices were mailed to owners and occupants of property within 300 feet of the site for each Site area. The notices to owners and occupants were mailed on May 11, 2004 for all six sites. On May 28, 2004, notices were mailed to owners and occupants of properties within 300 feet Site 4 regarding the addition of one parcel to be rezoned to R-3-18. On May 28, 2004, supplemental notices were mailed to owners of property within 300 feet of Site 5 for purposes of corrected information on the current land use and zoning designations of Site 5. A Public Hearing Notice was delivered to The Argus on May 24, 2004 to be published by May 27, 2004.

**Executive Summary:** This proposal implements a portion of Program 18 (Increase Residential Densities on Existing Residentially-Designated Vacant and Underutilized Properties) of the certified Housing Element. Program 18 consists of the rezoning and redesignation of residentially designated properties to accommodate increased densities for the production of housing. Staff has identified an initial 23 parcels for redesignation and/or rezoning to implement the goals, policies and programs set forth in Program 18. Nineteen parcels are being proposed for redesignation and rezoning to allow higher densities, while four parcels are being proposed for rezoning only to the appropriate R-3 designations that conform with existing medium density residential General Plan designations. It is anticipated that additional sites will be identified under Program 18 and brought before the Planning Commission and City Council at a subsequent time in 2004.

Staff is requesting that the Planning Commission recommend approval of the proposed Mitigated Negative Declaration and the General Plan redesignations and rezonings to the City Council.

**Background:** The City is charged by State statute with responsibility for updating its Housing Element. A Housing Element is a planning document (part of the General Plan) that guides the City's housing efforts. The Element not only provides general goals, objectives and policies but also proposes implementation programs to meet the stated goals and objectives. The Housing Element must also address the City's allocation of housing needs prepared by the Association of Bay Area Governments. The Association of Bay Area Governments (ABAG) has determined the 1999-2006 Regional Housing Needs Distribution Allocation for all Bay Area cities and counties, including Fremont. The total housing need for Fremont is 6,708 units (revised to 4,912 as set forth in the Housing Element). This allocation is based upon ABAG's projections of the City's share of regional job growth and regional household growth during the 1999-2007 period.

Existing law requires the State Department of Housing and Community Development (HCD) to evaluate the programs in the housing element for consistency with State law. Those programs include the identification of sites to be made available to encourage the development of a variety of types of housing for all income levels.

On February 12, 2002, the City Council adopted a new Housing Element to replace the previously adopted (May 1991) Element. The City received comments from the State Department of Housing and Community Development (HCD) on June 3, 2002, stating that revisions were necessary prior to State certification. Since June of 2002, staff worked to revise the Housing Element to respond to HCD comments. Council adopted the revised Housing Element on May 13, 2003. On July 17, 2003, HCD informed the City of Fremont that the Housing Element adopted by the City Council on May 13, 2003 was found in compliance with State housing element law. HCD reiterated the need to meet the established timeframes. The City submitted an annual report to HCD on the progress in implementing identified Housing Element programs on October 1, 2003. The next report will be due on October 1, 2004.

**Project Description:** Staff proposes the redesignations and/or rezonings of 23 properties to carry out the implementation of Program 18 of the Housing Element. This is one of three programs that are being considered on June 10<sup>th</sup> as part of

the second grouping of redesignations and rezonings required to implement strategies of the Housing Element related to increasing opportunities for the production of housing in Fremont. The first grouping of sites was for Program 22 (Redesignation and Rezoning of Older Shopping Center Sites), and Program 23 (Rezoning Sites to Mixed-Use to Accommodate Affordable Housing Developments) of the Housing Element, and was approved by the City Council in December 2003. The second grouping of sites is for Programs 18, 19 and 21. This staff report covers Program 18 only.

In Program 18, the Housing Element provides that residentially-designated vacant and under-utilized lands should be considered as opportunity sites for additional housing. During the preparation of the Housing Element, the City identified approximately 134 acres in different planning areas that fell under this category. In order to make the process of re-designation manageable, staff is proposing to bring forth groupings of sites in several cycles in 2004. The first cycle or tier before the Planning Commission at this time, includes 23 sites on approximately 39 acres that are located in the Northern Plains, Central and Centerville Planning Areas.

The sites that have been identified for redesignation and rezoning at this time are included as Attachments to this Report. Exhibits labeled "A" identify the proposed General Plan redesignations and Exhibits labeled "B" identify the proposed rezonings for the subject sites. There is one exhibit for a Specific Plan Amendment of the Centerville Specific Plan which is labeled Exhibit "C", and Planned Development Districts are labeled Exhibits "D". The following is a description of these sites including proposed redesignations and rezoning:

**Site 1 (PLN2004-00266)** consists of approximately 2.76 acres located on the southeast corner of Fremont Boulevard and Beard Road. It contains two parcels that are developed with a single-family home facing Beard Road and a fruit stand with parking lot, open storage area with farm equipment at the corner of Beard Road and Fremont Boulevard. The existing designation is Medium Density (6.5-10 units per acre) and Gateway. The proposal for this site is to designate both parcels for medium density 18 – 23 units per acre and "Gateway" and rezone to R-3-23. This would allow the owner to redevelop the site with all residential land uses. The R-3 district also allows ground floor retail where the building is three floors or greater. This allows the owner the opportunity to introduce commercial uses along Fremont Boulevard.

Surrounding land uses include low-density residential dwellings to the northwest, a church to the north, a multi-family apartment complex to the southeast and commercial uses to the south, on the south side of Fremont Boulevard. The site is in close proximity to I-880.

**Site 2 (PLN2004-00265)** consists of approximately 5 acres of land located on three separate parcels on the south side of Fremont Boulevard, west of the intersection of Fremont Boulevard and Ferry Lane. The sites are developed with single-family homes. These sites are currently designated Medium Density (18 – 23 units per acre) and they are surrounded by property that is designated and developed in that density range. The proposal is to rezone these parcels to the R-3-23 District which would bring the zoning in conformance with the General Plan designation.

Land uses surrounding this site include low-density residential dwellings to the north and east, and medium density residential apartments to the south and west.

**Site 3 (PLN2004-00268)** consists of approximately 6.55 acres and is located on the northwest corner of Fremont Boulevard and Decoto Road and up to Ferry Lane. Existing uses on the site include single-family homes, three homes on one site, a former Rite Aid store (currently vacant), and a thrift store. The proposal is to amend the existing General Plan land use designations of parcels in Site 3 to Medium Density Residential and to create a mixed use designation at the corner of Fremont Boulevard by adding Medium Density Residential (18 - 23 units per acre) designation to the existing Neighborhood Commercial use. In addition, the General Plan Amendment would remove the Study Area 6 designation from the subject parcels. The proposal also requires an amendment of the Centerville Specific Plan to incorporate the proposed land use redesignations of the corner parcel and the adjacent parcel to the north, which currently fall within the Centerville Specific Plan Area. Additionally, these two parcels will be included in Study Area 8 of the Centerville Specific Plan. A rezoning is proposed from R-1-6, P, P-95-1 and P-97-1 to Planned District (P-2004-00268), which would provide for development of medium density

residential uses and a combination of neighborhood commercial and medium density residential uses at the corner of Fremont Boulevard and Decoto Road.

Surrounding land uses include a church and vacant parcel immediately to the west, and a retail center, a church and single-family homes to the east and single-family homes to the south, west and north.

**Site 4 (PLN2004-00270)** consists of approximately 6.45 acres of land located in 6 separate parcels on the southwest corner of Mission Boulevard and Mowry Avenue. Existing land uses include single-family homes with one lot facing Mowry that contains three units. A General Plan Amendment is proposed to change the existing land use designation of Low Density (5 – 7 units per acre) and Foot Trail on five parcels to Medium Density (15 – 18 units per acre) and Foot Trail. The existing zoning designation of R-1-6 would be changed to R-3-18 16.5 to 18 du/ac. The rezoning also includes the adjacent parcel at 38569 Mission Boulevard which is currently designated Medium Density (15 – 18 units per acre) but the zoning is still R-1-6. The redesignation of this parcel was approved by City Council in November 2003. This would bring its zoning designation in conformance with the approved medium density land use designation for the site.

Surrounding land uses include commercial uses to the northwest and north, low density residential to the northeast, across Mission Boulevard, multi-family residences to the south and railroad tracks to the southwest.

**Site 5 (PLN2004-00267)** consists of approximately 14 acres of land located on the northeast corner of Walnut Avenue and Guardino Avenue. This site has been used for agricultural production for many years and existing land uses consist of a fruit stand, single-family dwelling and associated outbuildings. The majority of the site is currently under agricultural cultivation. A General Plan Amendment is proposed to change the existing land use designation from Medium Density Residential (15-18 units per acre) to High Density Residential (27 – 35 units per acre). The existing zoning designation is P-94-2 (Planned District) which provides for a transfer of 70 development credits (units) from an adjacent development. This P (Planned District) would be changed to Planned P-2004—00267 (Planned District) which would allow residential development to a total maximum allowable density of 27 – 35 units per acre. This density would absorb the transfer of 70 development credits (units).

Surrounding uses include multi-family homes to the north, west, east and south. There are also single family homes to the northeast across Litchfield Avenue.

#### **Analysis:**

Programs 18 consists of vacant and under-utilized lands to be redesignated and/or rezoned to accommodate increased densities for the production of housing. The sites that are proposed for redesignation under this first cycle in Program 18 are considered prime candidates for redesignation because of they are located on arterial streets or major collector streets and/or, for the most part, are located near or adjacent to lands that are designated medium or high density residential.

The current general plan land use designations for all the currently identified sites are primarily 5 – 7 units per acre, 6.5 – 10 units per acre and 15 – 18 units per acre. Therefore, a general plan amendment is required in order to provide for residential densities that are higher than the lower density designations currently available to these properties, as anticipated in the Housing Element. The proposed general plan amendments in Program 18 will result in the sites having medium and high density residential designations, as identified in Exhibits “A” and “B” within each Site.

Site #3/PLN2004-00268 contains 10 parcels which are primarily designated low-density residential (5 – 7 units per acre). There are three parcels on Fremont Boulevard that are designated Neighborhood Commercial, including the site that contains a vacant Rite Aid building. However, it is recommended that only the parcel which contains the vacant Rite Aid building retain the existing general plan designation of NC-Neighborhood Commercial. In addition, it is proposed that the Medium Density (18 – 23 units per acre) designation be added to this parcel to provide for a combination of neighborhood commercial and medium density housing. This, however, does not preclude the site from potentially developing as residential in its entirety. Site 3/PLN2004-00268 also includes an amendment to remove the Study Area 6 designation from the subject parcels on Fremont Boulevard and Decoto Road. Two parcels at the corner of Fremont Boulevard and Decoto Road are located within the boundaries of the Centerville Specific Plan. Therefore, the redesignation of these two

parcels requires an amendment of the Centerville Specific Plan to incorporate the proposed general plan amendments and to include the parcels within Study Area 8, which represents the boundary of the Centerville Specific Plan.

Site #3/PLN2004-00268 originally included the parcel at the corner of Fremont Boulevard and Ferry Avenue, which houses Saint James the Apostle Church. This parcel is currently partially developed with a church auditorium building and a parking lot. This parcel has been removed from the current cycle of redesignations because the Diocese of Oakland, as property owner, has not given full support for redesignation. It is possible that the property may be added in a subsequent cycle once staff has had more discussions with the Diocese regarding possible options for redesignation of this site.

Site #4/PLN2004-00270) contains 5 parcels on Mission Boulevard (east of Mowry Avenue). Staff originally proposed to redesignate these parcels to Medium Density ( 18 – 23 units per acre). However, the owners of three of those parcels have indicated that they do not wish to have their property redesignated to anything higher than 18 units per acre, consistent with the adjacent parcel at 38569 Mission Boulevard (which was redesignated in November 2003). Since these parcels comprise most of the area within Site #4, it is recommended that all parcels within Site #4 be redesignated to Medium Density (15-18 units per acre).

**General Plan Conformance:** The proposed General Plan Amendment will designate five of the six sites to include increased residential designations (Site 2 only includes a rezoning that is in conformance with the existing medium density residential designation). The following General Plan Goals, Objectives and Policies are applicable to the proposed designations:

- Fundamental Goal F8: *A Diversity of residential, recreational, cultural, employment and shopping opportunities.*
- Fundamental Goal H3: *Housing affordable and appropriate for a variety of Fremont households at all economic levels throughout the city consistent with the Hill Area Initiative of 2002.*
- Land Use Policy 1.9: *To achieve a variety of housing types, the City has designated locations where moderate and higher density development is appropriate. Criteria for the location of higher density housing include access to transit, proximity to commercial areas, proximity to collector or arterial street, and a transition use where maximum flexibility in site design is required. For those areas where higher densities are indicated on the General Plan Diagram, construction of housing at significantly lower densities than planned would not meet the City's goals. The City therefore established a minimum required density of development for all medium and high density residential uses as follows:*
- *When the residential range is between 6.5 and 70 units per acre (ranges 8 – 15), and a development application has not been deemed completed for processing under the provisions of the Permit Streamlining Act by July 1, 2003, the minimum density of the project must be at the midpoint of the density range.*
  - *When calculation of the midpoint density results in a fraction of a unit equating to 0.50 or more, the minimum density shall be rounded up to the next whole number.*
- Reduction in the midpoint density may be approved when environmental constraints or historic preservation goals preclude achievement of the midpoint density. If the property proposed for development contains a Primary Historic Resource, or is listed on the State or National Register of Historic Places, or is determined by the City Council through recommendation from HARB to possess historic significance then minimum density may be waived.*
- Land Use Policy 7.9: *A Study Area designation signals the City's intent to apply a land use designation, but where additional analysis is required prior to allowing development on the site. The land use designation shown on the City's Planning Area Land Use Diagram is therefore tentative. Table 3-8 indicates the types of specific land uses potentially appropriate for the site, depending on the outcome of necessary studies. The types of studies will vary*

*from site to site, but can include analysis of potential impacts, impacts of proposed use on adjacent property owners, and site specific constraints (such as past use of toxic materials) which may influence future uses of the site. Studies can be initiated by the City, property owner or developer.*

*Study Area 6. Fremont Bl. & Decoto Rd.*

*General Plan designation: Residential; Tentative: Residential w/increased density;  
Study Alternatives: Residential or Commercial.*

*Study Area 8: Centerville Specific Plan Study Area.*

*General Plan Designation: Commercial, Residential, Industrial*

Housing Program Strategy  
Implementation 18:

*Increasing Density on Existing Residentially Designated Vacant and Underutilized Parcels. The City will evaluate vacant and undersutilized residentially designated parcels to identify sites, which could have an increased density and then undertake city-initiated General Plan changes and rezoning to higher densities. The parcels to be evaluated are separate from and do not include the parcels listed in Program #17 of this chapter. As illustrated in the tables below, rezoning of vacant land is expected to result in zoning to accommodate 164 low income and 895 moderate-income units. Rezoning of underutilized lands is expected to generate zoning to accommodate 433 very low income, 104 low income and 576 moderate-income units. Sites sufficient to meet program needs are identified in Appendix E.*

The proposed general plan amendments accommodate additional densities on the five sites and are consistent with these land use and Housing Element goals and policies and Housing Element implementation strategy because redesignation of sites will allow increased opportunities for the production of medium and higher density housing. Where appropriate, they will accommodate residential uses at the minimum established mid-point density ranges, and will implement key Housing Program Strategies that are intended to facilitate the production of new housing in the City of Fremont.

**Zoning Regulations:** The six sites are currently zoned R-1-6, R-2 and two sites have pre-existing Planned District zoning classifications. Future development on these sites will be based primarily upon the development standards of the R-3 zoning district, but two planned districts are also proposed.

**Zoning District Analysis:**

**R-3 District:** The Housing Element Program #11 in Chapter 8 calls for the creation of a new multi-family zoning district classification of R-3 to replace the old "step density" districts. The City Council adopted this new classification during the Summer of 2003, which includes minimum density requirements for medium through very high-density multi-family developments, and establishes a requirement that all projects must meet a minimum mid-point density for approval. In addition, it includes more flexible development standards which provide incentives to developments that help achieve the goals for higher densities and affordable projects. The high end of the density range is indicated in the zoning label for each parcel. The proposed zoning designations are R-3-18 for Site #4/PLN2004-00270 and R-3-23 for Sites #1/PLN2004-00266 and #2/PLN2004-00265.

**Planned Districts:** The Housing Element anticipates that Planned District zoning would be applied to certain sites, and that each Planned District would: (1) specify the uses allowed on the site; (2) establish a density range that is allowed by right; and (3) prescribe that the process for subsequent review of a project will require only Site Plan and Architectural Approval by the Planning Commission in lieu of the requirement for approval of a Precise Plan by ordinance, which requires City Council approval.

Two new Planned Districts are proposed for Site #3/PLN2004-00268 and Site #5/PLN2004-00267 (See Exhibit "D" for each site). Each Planned District is set up to allow existing uses as provided for in the applicable existing zoning district, residential uses with an established residential density range or, in the case of Site 3, a mix of commercial and residential uses with an established density range. As required by the Housing Element, residential developments must achieve, at minimum, the mid-point density within the established density range for the site.

The new Planned District for Site #3/PLN2004-00268 would allow existing uses in accordance with the provisions of the adopted Planned Districts in addition to a combination of commercial and medium density residential uses at the corner of Fremont Boulevard and Decoto Road. In accordance with the requirements of the Housing Element, the process for approval of new construction will also require Site Plan and Architectural Approval by the Planning Commission. However, it is proposed that commercial construction of properties affected by previously approved Planned Districts would require a Minor Planned District Amendment approved by the Planning Director if it involves less than 10% of new building area. If the new commercial construction exceeds 10% of new building area, a Major Planned District Amendment approved by Planning Commission and City Council is proposed to be required. The Planned District for Site #5/PLN2004-00267 will incorporate the 70 transfer of development credits (units) within the maximum density allowed for the site.

The Initial Study for the City-initiated P districts indicates that all sites contain mature trees, many planted for landscape enhancement purposes as part of existing development. Some of the trees may meet City requirement for a heritage tree and loss of such heritage trees could be a potentially significant impact. Prior to residential development on any of the six sites, an arborist report shall be prepared to assess potential loss of heritage trees. If heritage or other significant trees are identified, the arborist shall prepare a tree preservation plan to protect such trees during construction and to ensure long-term health of such trees. If heritage or other significant trees cannot be retained, a tree replacement program shall be prepared.

The Initial Study also indicates that potential historic resources in the form of single-family homes may exist on 3 of the 6 sites within Program 18. Historical resource surveys(s) shall be conducted by a qualified architectural historian to identify the significance of each of the potential historic resources. None of these issues would preclude development of the properties. However, such environmental factors may be used as relief from achieving the midpoint minimum density when a specific development is proposed. All new residential construction requires review and approval through the Site Plan and Architectural Review by the Planning Commission.

Section 8-21811(i) of the Zoning Ordinance requires certain findings for City-initiated P districts. This section states that after a public hearing the City Council may establish a P district provided that the Council finds the following:

- (1) The property is designated in the General Plan as having a relatively unique feature, and because of the need for specific design to achieve the objectives of such special General Plan designation, the property can best be established as a P district; or,
- (2) The uniqueness of the size, shape, topography of the property or its relationship to adjacent parcels, historical character or landscaping features is such that the property can best be developed as a P district.

Staff believes both findings can be made for the proposed Planned Districts. The designation of the two parcels to allow mixed-use and/or to incorporate previously approved transfer of development credits and their location at key intersections warrants special design treatment to achieve the objectives of a Planned District.

- **Centerville Specific Plan Analysis:** Site #3 is located in the western fringe of Sub-area 12 of the Centerville Planning Area. This Sub-Area allows existing commercial and residential densities as established in the General Plan. The Specific Plan established areawide goals to guide the development of the Specific Plan Area. One of those goals is to "Provide new housing opportunities for existing and future residents of Centerville in locations undergoing land use transitions". The redesignation and rezoning of this site to allow residential uses at a density of 18 - 23 units per acre would be consistent with this areawide goal. Additionally, it could provide for a combination of neighborhood commercial uses in addition to residential, at the corner of Fremont Boulevard and



Decoto Road. This is consistent with land use policies of Sub-area 12. The redesignation and rezoning of parcels in this site as shown in Exhibit "C" will, by reference, result in the amendment of Figures D-1 (Zoning Districts) and D-2 (Areas of Transition from Commercial to Residential Use) of the Centerville Specific Plan.

**Property owner outreach:** All owners of property within all six sites in Program 18 were mailed notices on April 13, 2004 regarding the City's intent to consider their property in this redesignation/rezoning effort. The Planning Division held an informational workshop for property owners in March 2004. Four owners of property in Program 18 attended or were represented at the meeting. Staff has contacted property owners directly, where phone contact information was available. In general, property owners are supportive of the proposed redesignations. As indicated in the Analysis Section above, discussions with some of the property owners has prompted some changes to the original proposed redesignations.

**Public Contact:** Staff has received several phone calls and emails primarily from residents in the vicinity of Site #3/PLN2004-00268 (Fremont Boulevard and Decoto Avenue), Site #5/PLN2004-00267 (Walnut Avenue and Guardino Avenue), and Site #6/PLN2004-00269 (Peralta Boulevard). Comments included concerns over the loss of farm land in Fremont (Site #5); concerns over how medium and high density residential project might result in additional traffic, demand for parking, and crime related issues for the existing neighborhoods. Written correspondence received by the City has been included as an enclosure.

**Environmental Analysis:** An Initial Study and Mitigated Negative Declaration have been prepared for this project. A finding is proposed that this project would not have a significant effect on the environment. Accordingly, a Draft Mitigated Negative Declaration has been prepared for consideration by the Planning Commission and City Council. The review period for the Initial Study and Mitigated Negative Declaration began on May 12, 2004 and will conclude on June 10, 2004. The Planning Commission may make a recommendation on the Draft Mitigated Negative Declaration based on comments made up to the time of the Planning Commission meeting. If any comments are received after the Planning Commission meeting, responses will be provided to the Council prior to their action.

The Initial Study conducted for the project has evaluated the potential for this project to cause an adverse effect -- either individually or cumulatively -- on wildlife resources. There is no evidence the proposed project would have any potential for adverse effect on any wildlife resources. Based on this finding, a Certificate of Fee Exemption will be submitted with the Notice of Determination after project approval, as required by Public Resources Code section 21089. The Certificate of Fee Exemption allows the project to be exempted from the review fee and environmental review by the California Department of Fish and Game.

**Response from Agencies and Organizations:** One response was received from the Valley Transportation Authority (VTA) indicating that they had no comments on the Mitigated Negative Declaration.

This project was submitted to the Alameda County Congestion Management Agency (ACCMA) for review to determine if implementation of the proposal would create an impact on the regional transportation network. The agency responded with no comment on the Program 18.

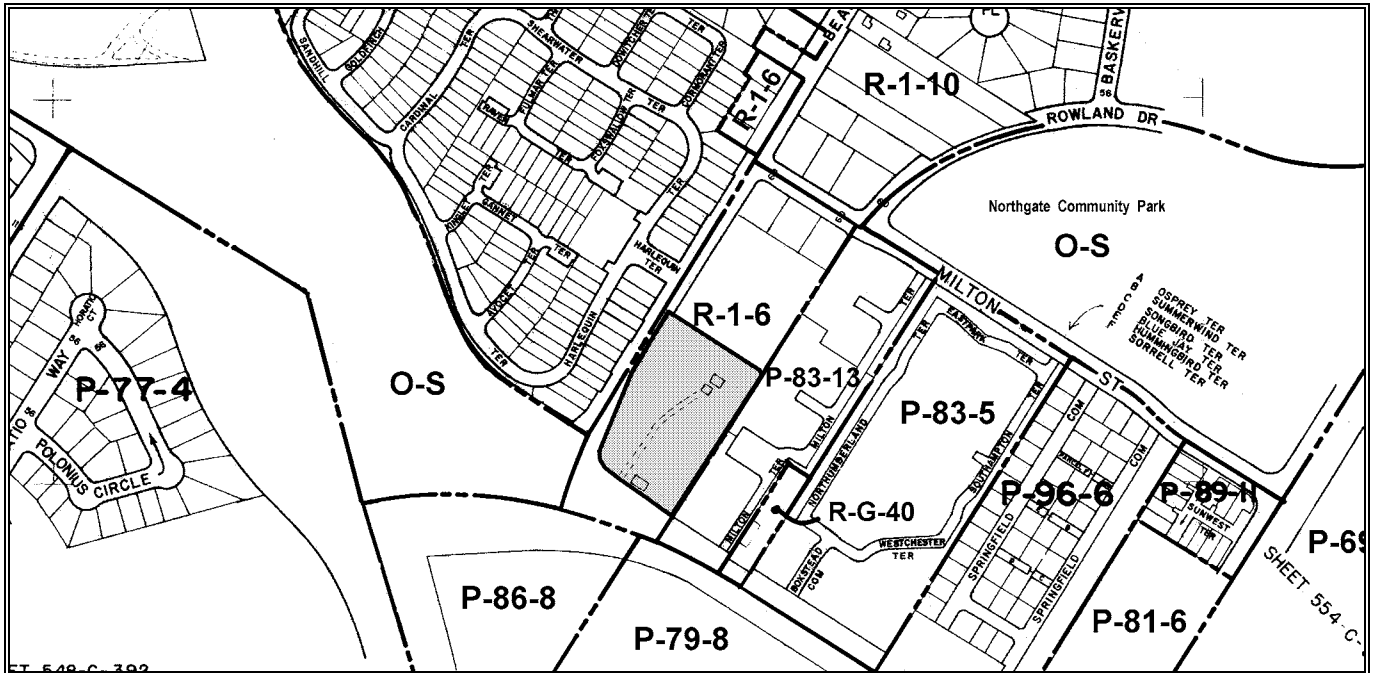
<b>Exhibits:</b>	Exhibit "A"	General Plan Exhibit – Site #1/PLN#2004-00266
	Exhibit "B"	Zoning Exhibit – Site #1/PLN#2004-00266
	Exhibit "A"	Zoning Exhibit – Site #2/PLN#2004-00265
	Exhibit "A"	General Plan Exhibit – Site #3/PLN#2004-00268
	Exhibit "B"	Zoning Exhibit – Site #3/PLN#2004-00268
	Exhibit "C"	Centerville Specific Plan Amendment – Site #3/ PLN#2004-00268
	Exhibit "A"	General Plan Exhibit – Site #4/ PLN#2004-00270
	Exhibit "B"	Zoning Exhibit – Site #4/ PLN#2004-00270
	Exhibit "A"	General Plan Exhibit – Site #5/ PLN#2004-00267
	Exhibit "B"	Zoning Exhibit – Site #5/ PLN#2004-00267
	Exhibit "A"	General Plan Exhibit – Site #6/PLN#2004-00269
	Exhibit "B"	Zoning Exhibit – Site #6/PLN#2004-00269
	Exhibit "D"	Planned District Exhibit – Site #3/PLN#2004-00268
	Exhibit "D"	Planned District Exhibit – Site #5/ PLN#2004-00267

**Enclosures:** Initial Study and Draft Mitigated Negative Declaration, Mitigation Monitoring Plan  
Correspondence

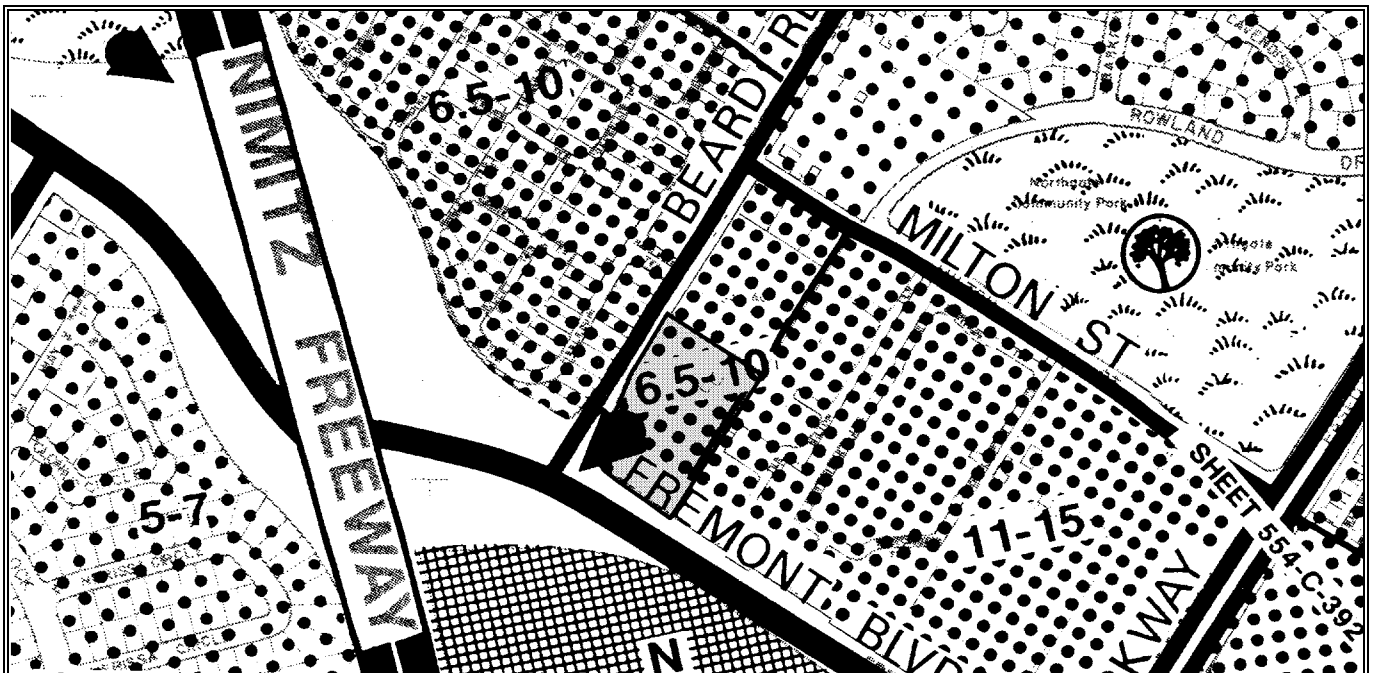
**Recommended Actions:**

1. Hold public hearing.
2. Recommend to the City Council that the initial study conducted for PLNs# 2004-0265, 2004-00266, 2004-00267, 2004-00268, 2004-00269, 2004-00270 has evaluated the potential impacts for Program 18 redesignations and rezonings that could cause an adverse effect, either individually or cumulatively, on wildlife resources, and find that there is no evidence the project would have any potential adverse effect on wildlife resources.
3. Recommend to the City Council the adoption of Draft Mitigated Negative Declaration for PLNs# 2004-0265, 2004-00266, 2004-00267, 2004-00268, 2004-00269, 2004-00270, with accompanying Certificate of Fee Exemption finding that it reflects the independent judgement of the City of Fremont, and finding that there is no substantial evidence that the project, as mitigated, will have a significant impact on the environment.
4. Find that General Plan Amendments, the Rezoning to R-3-18, R-3-23, R-3-27 and Planned Districts (P-2004-267 and P-2004-268) are in conformance with the relevant provisions contained in the City's General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Land Use and Housing Element Chapters as enumerated within the staff report.
5. Find that the existing commercial sites have relatively unique features and that their designation for higher density residential or combination of commercial and residential developments requires specific design considerations to achieve these objectives; and are identified in the Housing Element such that the properties can best be developed as Planned Districts.
6. Recommend that the City Council approve PLN2004-00265, PLN2004-00266, PLN2004-00267, PLN2004-00268, PLN2004-00269 and PLN2004-00270 to amend the General Plan land use diagram to designate these sites with additional residential land use designations, and rezone them to R-3-18, R-3-23, R-3-27 and Planned Districts (P-2004-267 and P-2004-268) in conformance with all attached Exhibits "A" for the General Plan Amendments, Exhibits "B" for the rezonings, Exhibit "C" for the Centerville Specific Plan Amendment, and Exhibits "D" for the Planned Districts (P-2004-267 and P-2004-268)

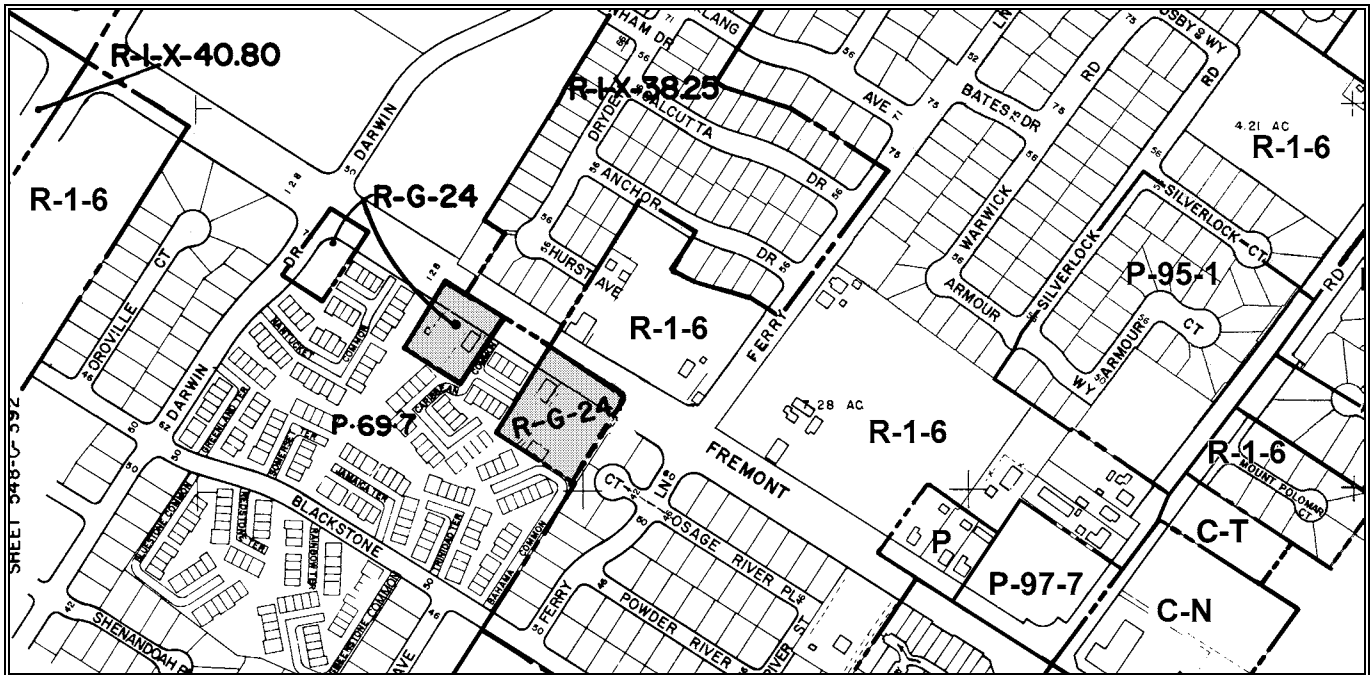
Existing Zoning  
Shaded Area represents the Project Site



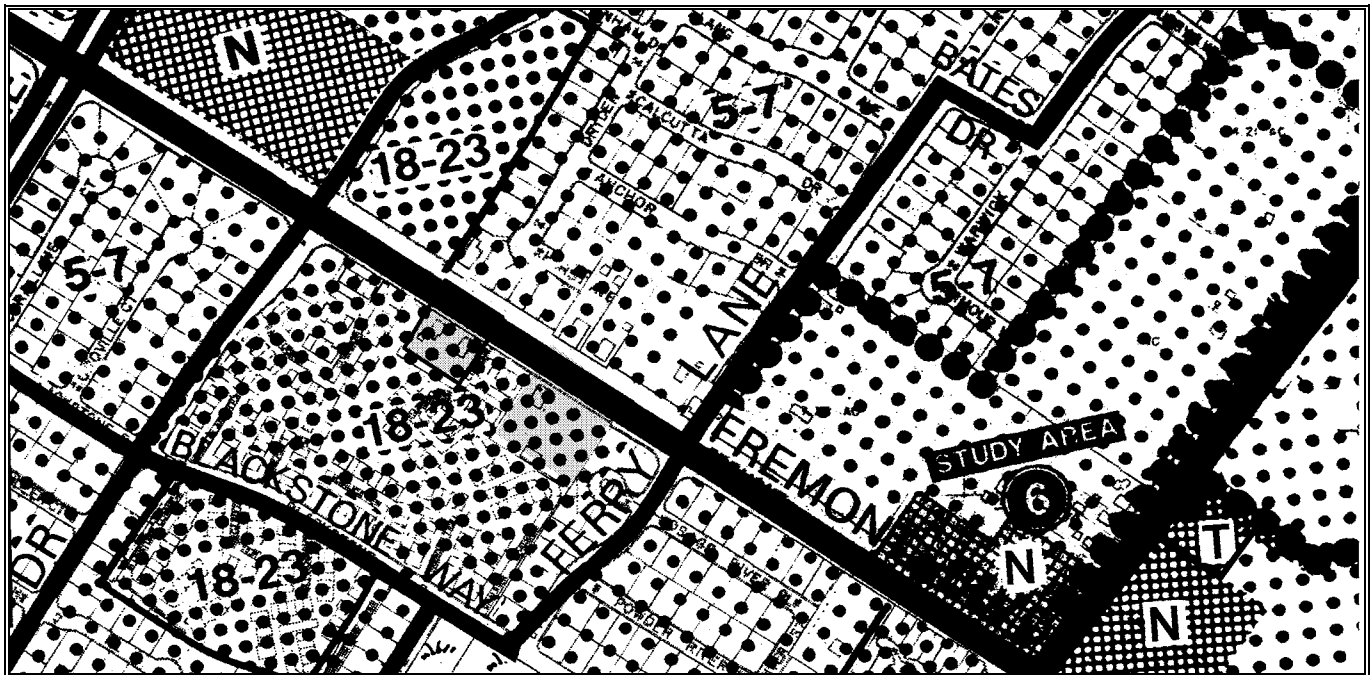
Existing General Plan



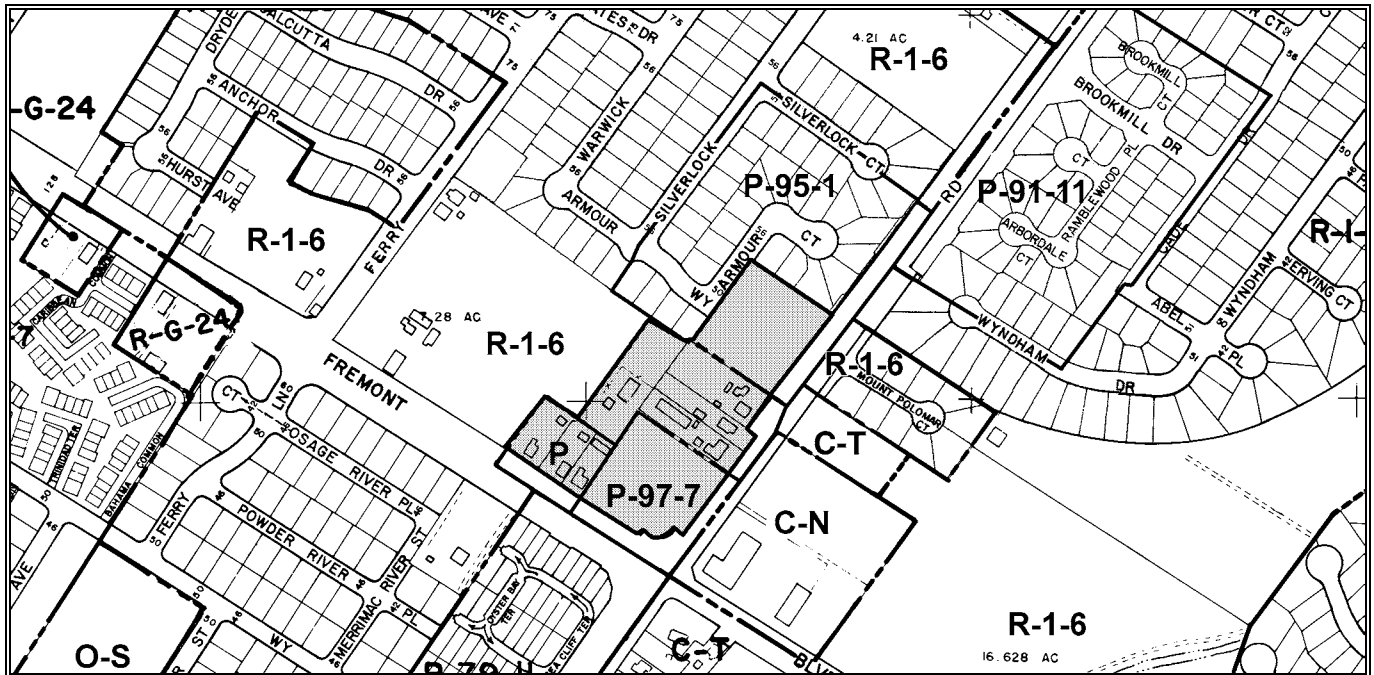
Existing Zoning  
Shaded Area represents the Project Site



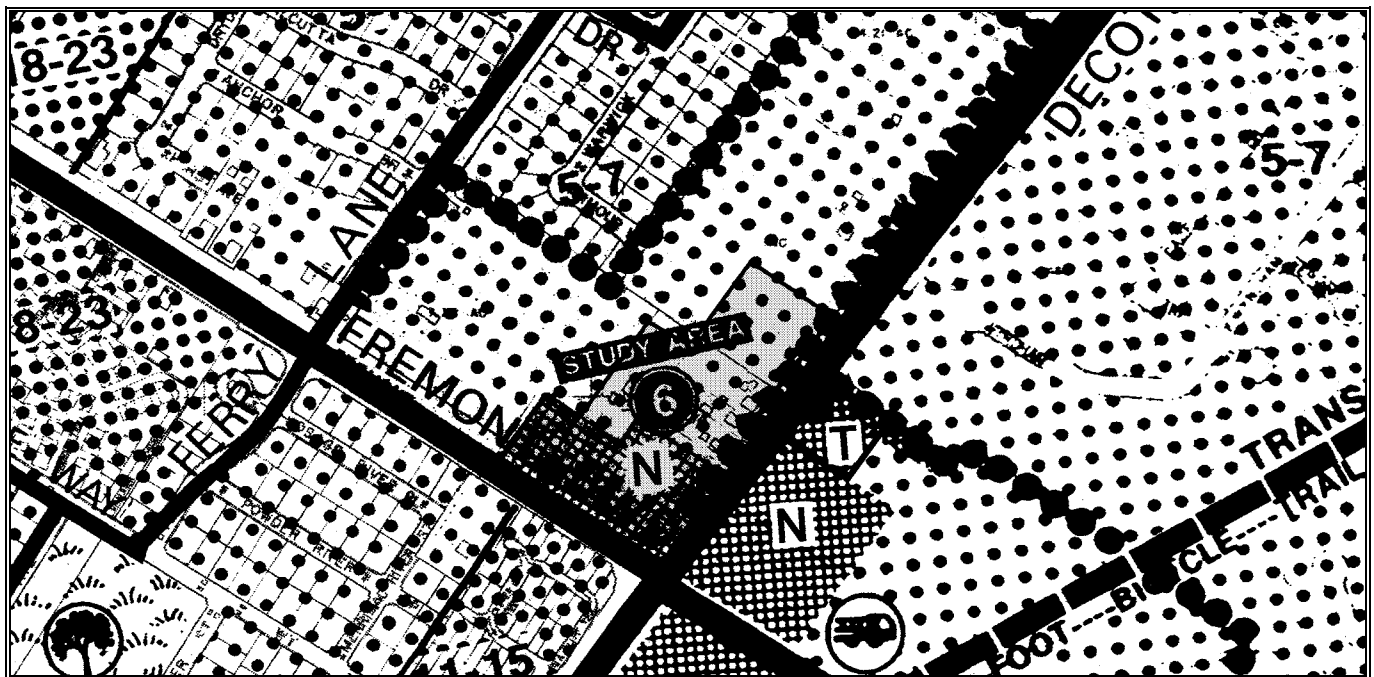
Existing General Plan



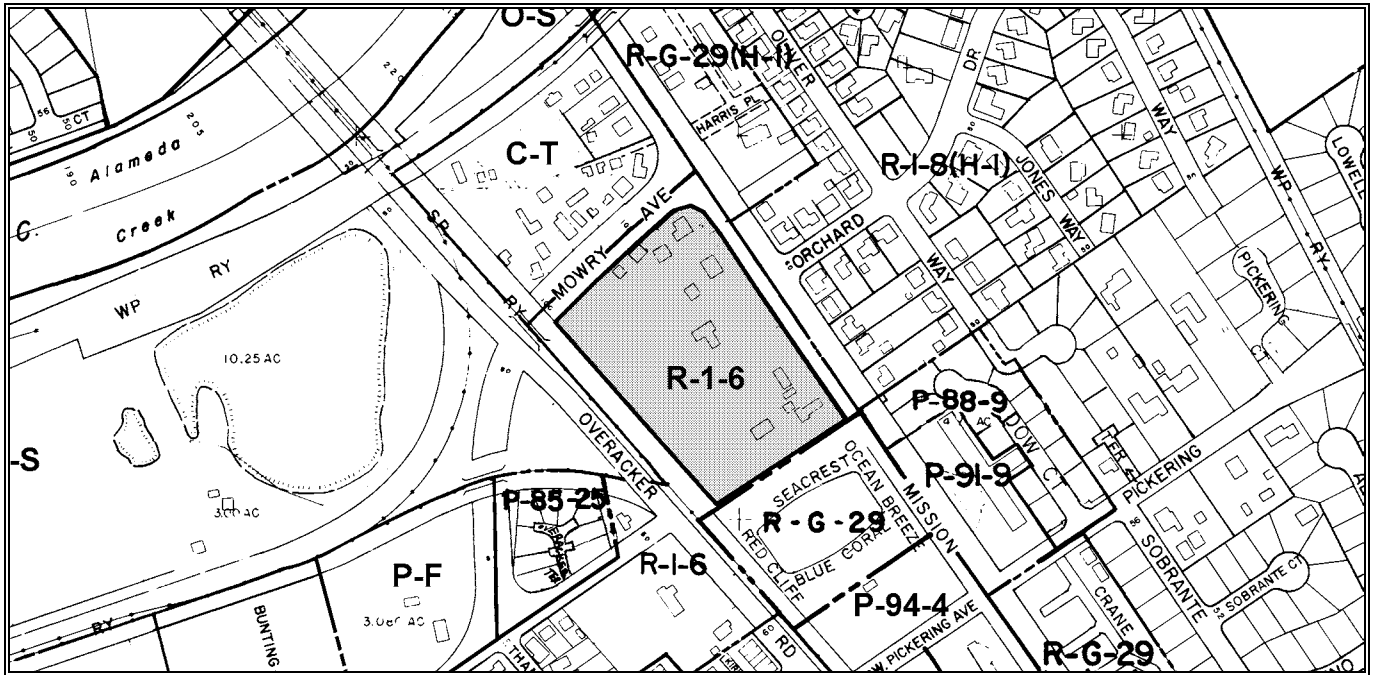
Existing Zoning  
Shaded Area represents the Project Site



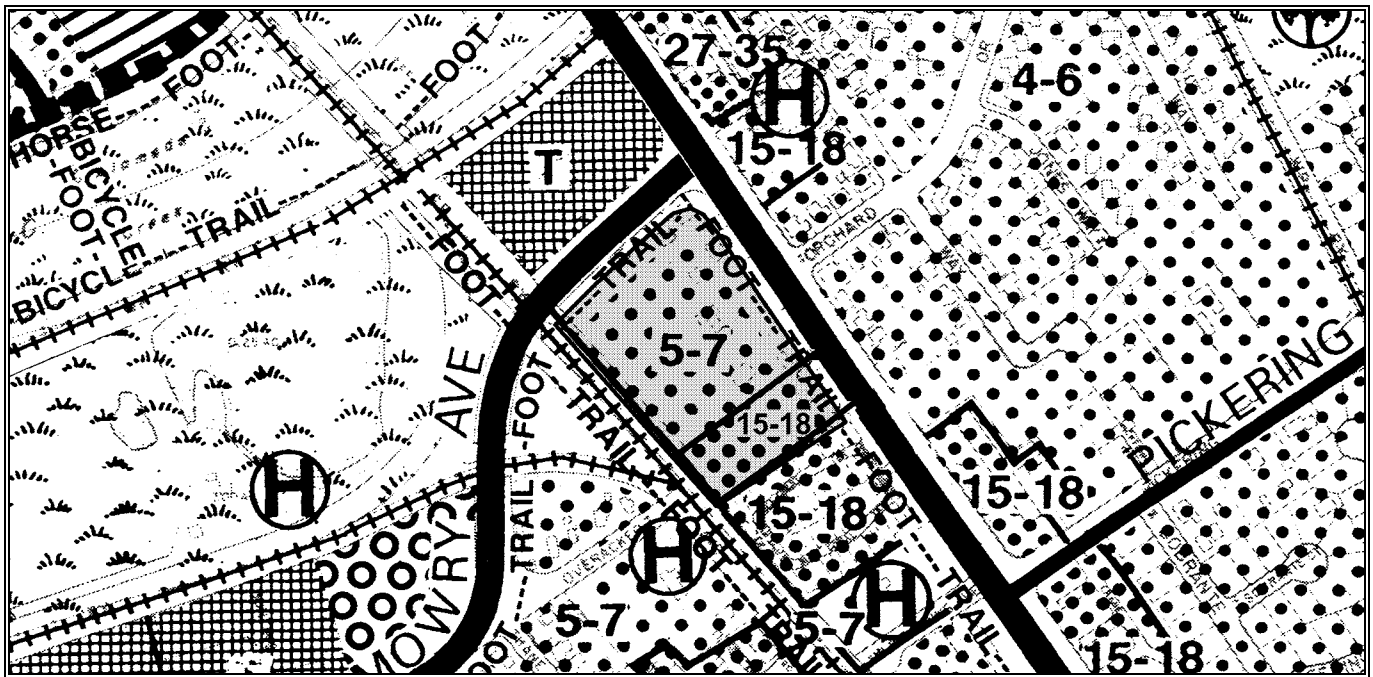
Existing General Plan



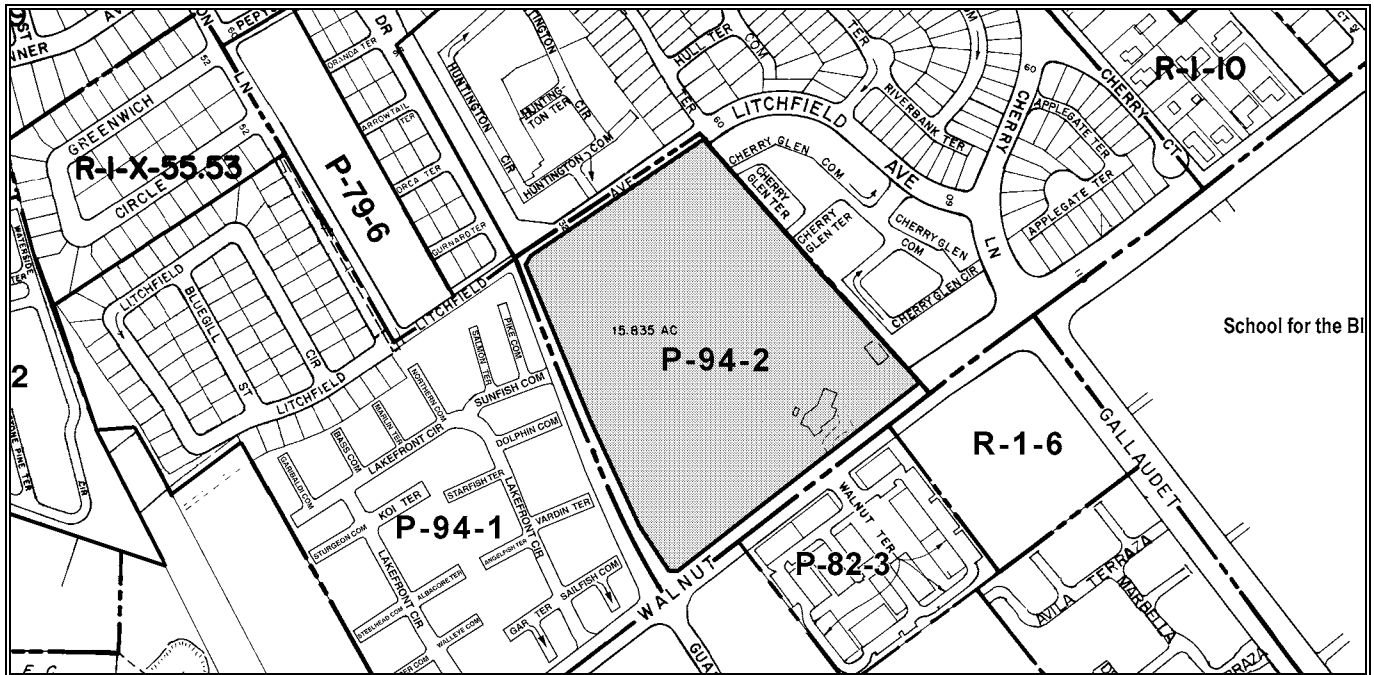
Existing Zoning  
Shaded Area represents the Project Site



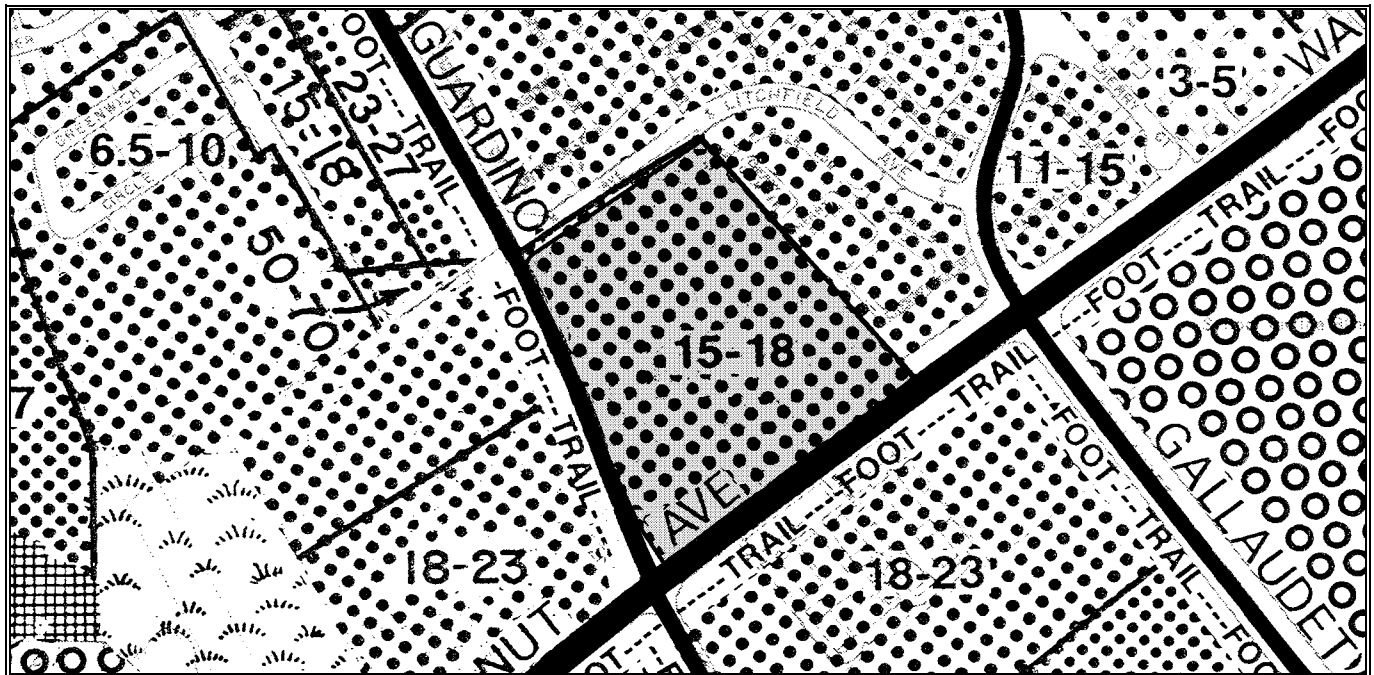
Existing General Plan



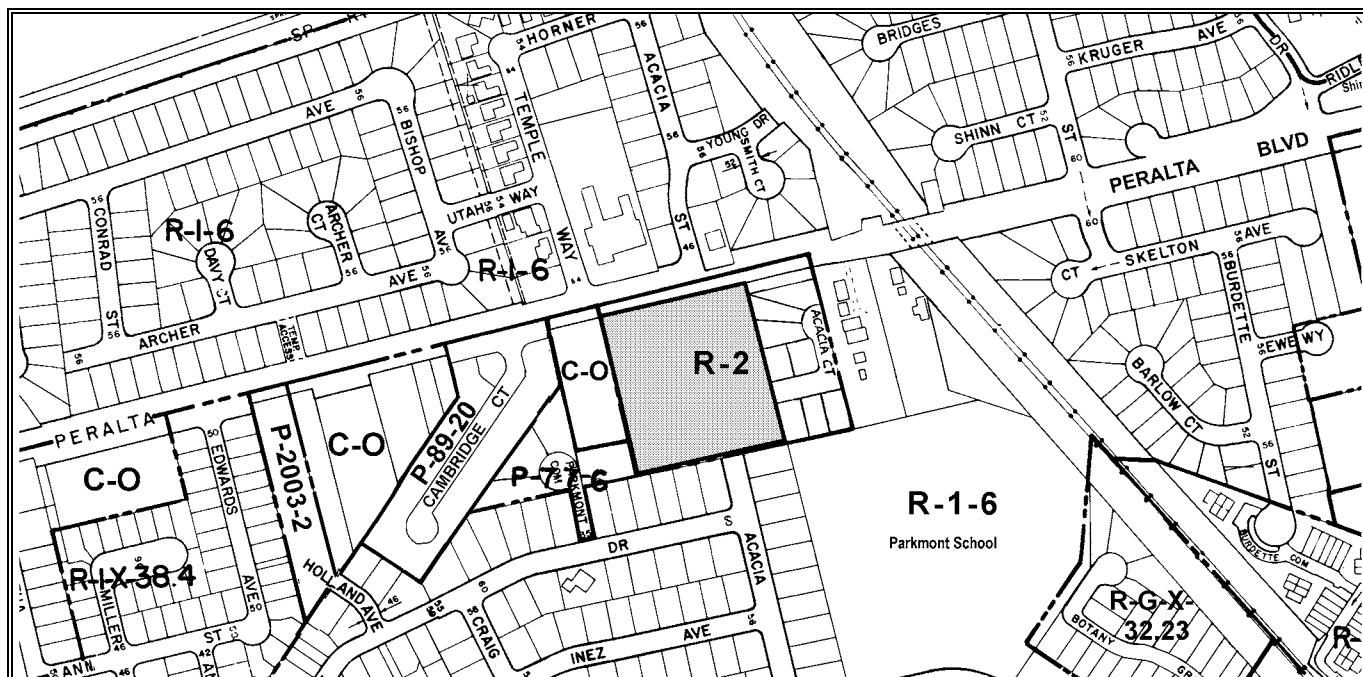
Existing Zoning  
Shaded Area represents the Project Site



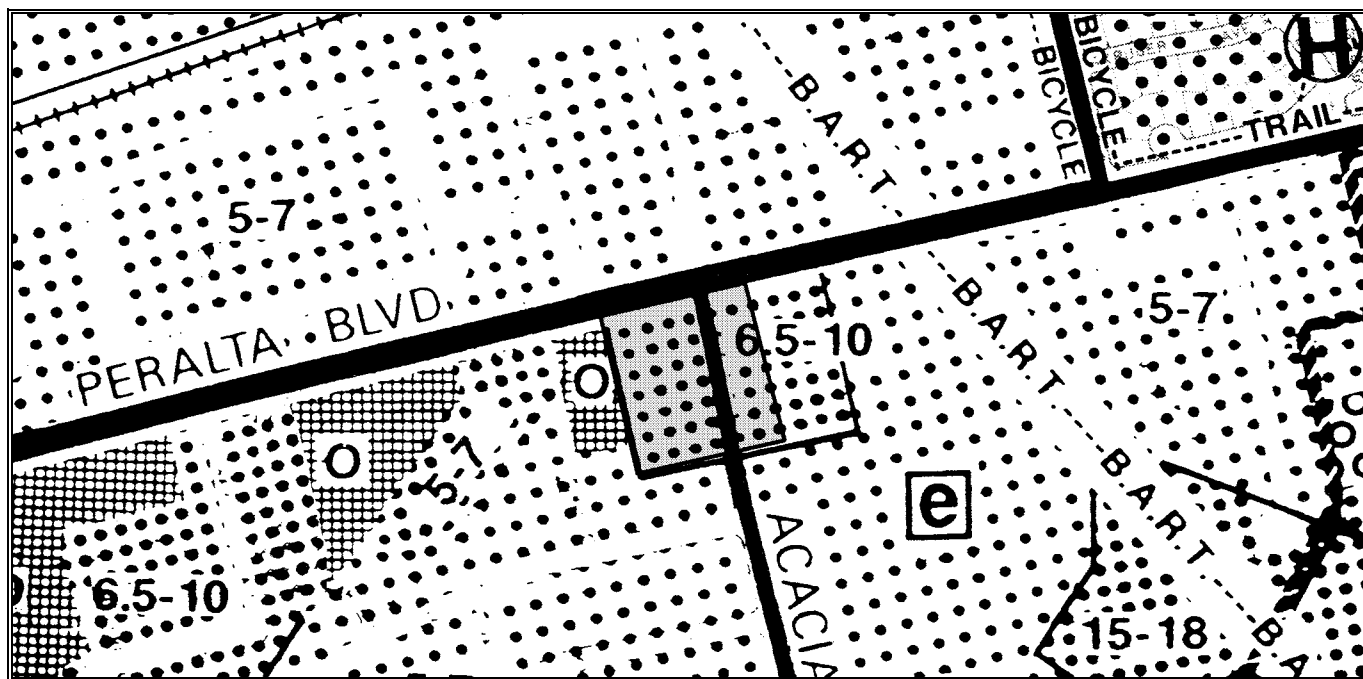
Existing General Plan



Existing Zoning  
Shaded Area represents the Project Site



## Existing General Plan





# EXHIBIT "A"

Attached to and made a part of

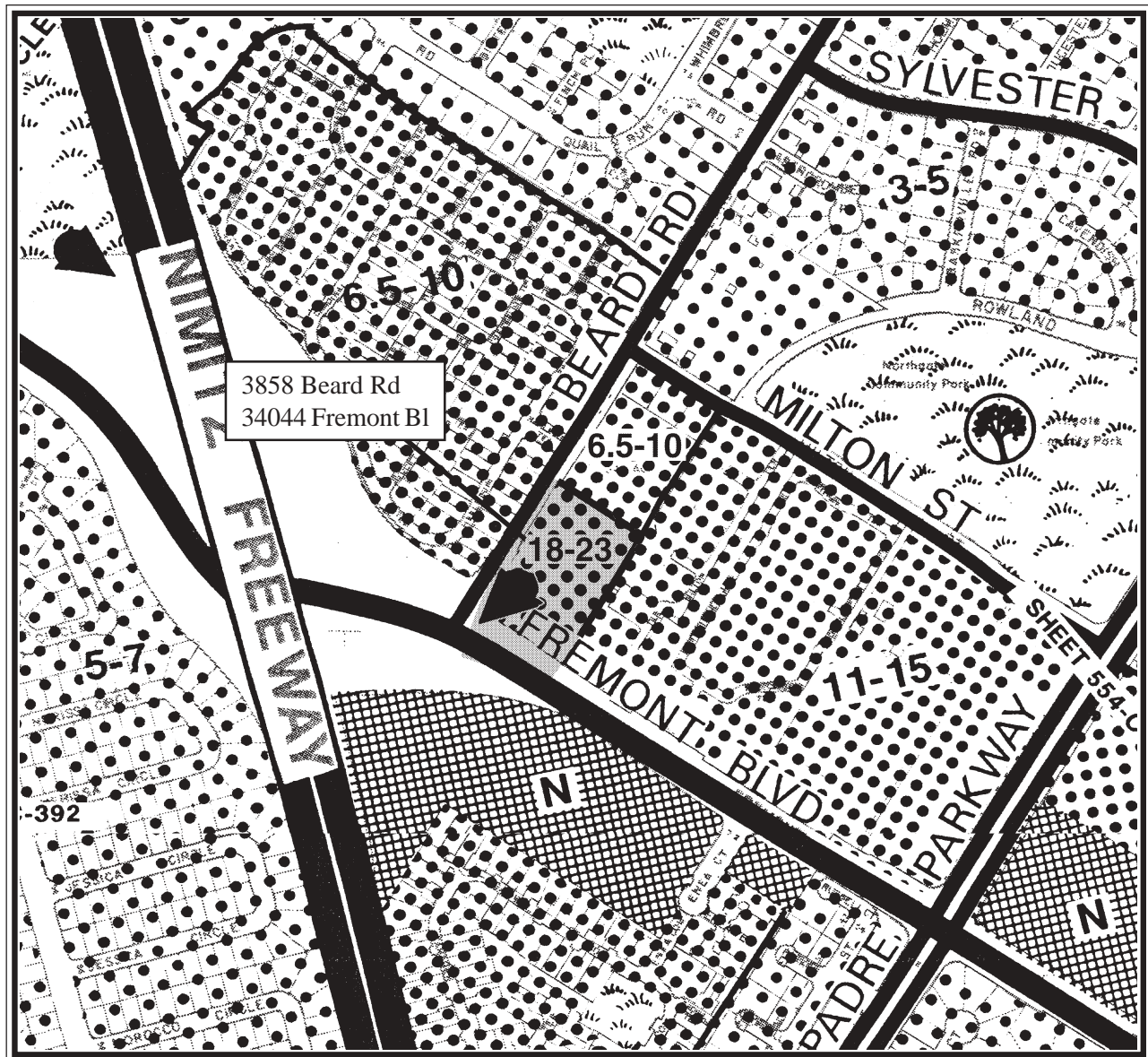
**Resolution No.** \_\_\_\_\_

adopted by the City Council of the City of Fremont, California

**On the** \_\_\_\_\_ **day of** \_\_\_\_\_, **20 04** .

## GENERAL PLAN LAND USE DIAGRAM (SECTION)

AFFECTS LAND USE DIAGRAM(S) FOR THE NORTHERN PLAIN PLANNING AREA



**From:** Residential, Low 6.5-10 du/ac and Gateway

**To:** Residential, Med 18-23 du/ac and Gateway

[pc on 06-10-04] 48-392, 48-396

**Project Name:** Housing Element Implementation Program #18

**Project Number:** PLN2004-00266 (GPA)

# EXHIBIT "B"

Attached to and made a part of

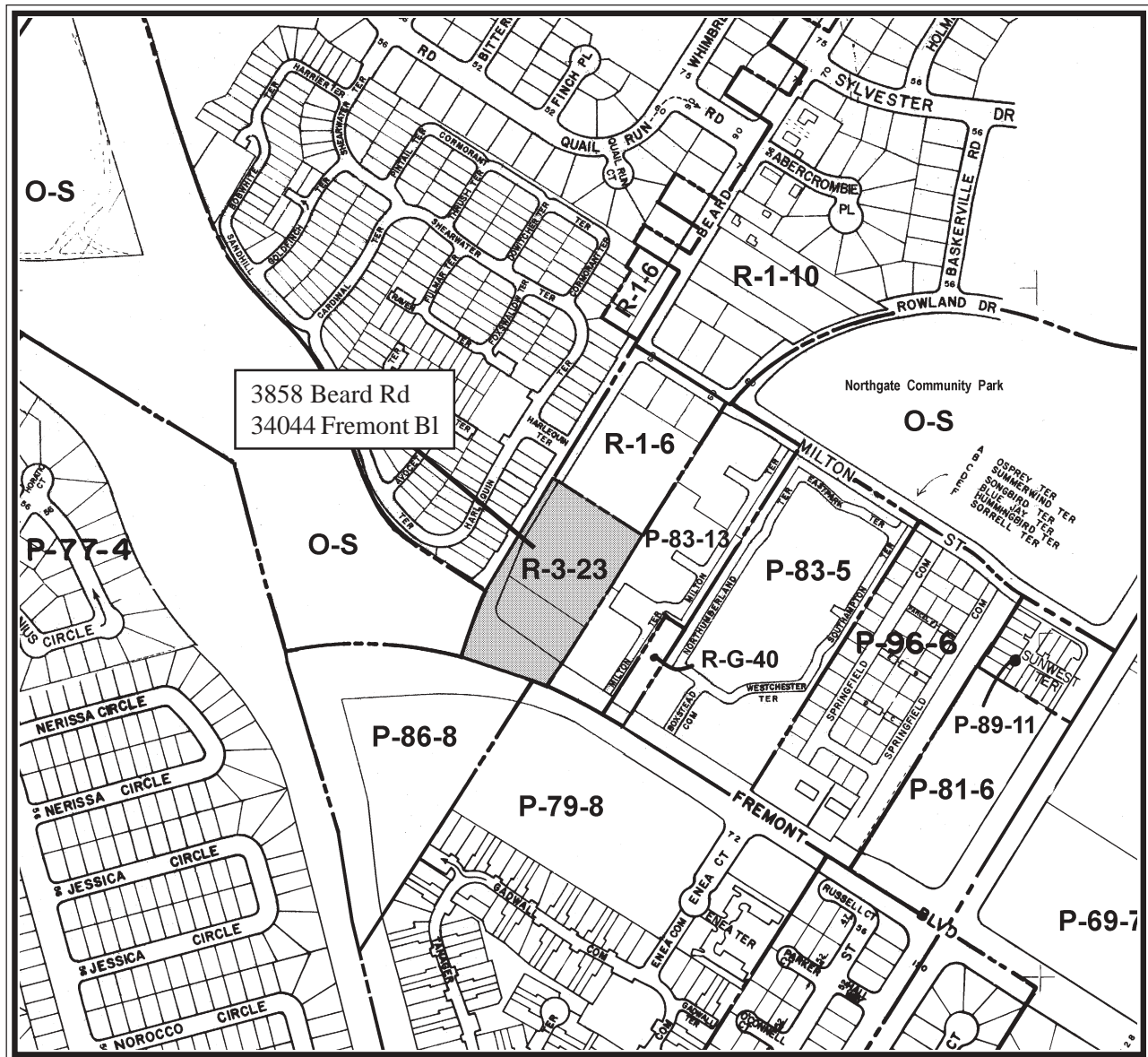
**Ordinance No.** \_\_\_\_\_

adopted by the City Council of the City of Fremont, California

**On the** \_\_\_\_\_ **day of** \_\_\_\_\_, **20** 04.

## ZONING MAP (SECTION)

AFFECTS LAND USE DIAGRAM(S) FOR THE NORTHERN PLAIN PLANNING AREA



From: R-1-6

To: R-3-23

Project Name: Housing Element Implementation Program #18

Project Number: PLN2004-00266 (Rez)

[pc on 06-10-04] 48-392, 48-396

# EXHIBIT "A"

Attached to and made a part of

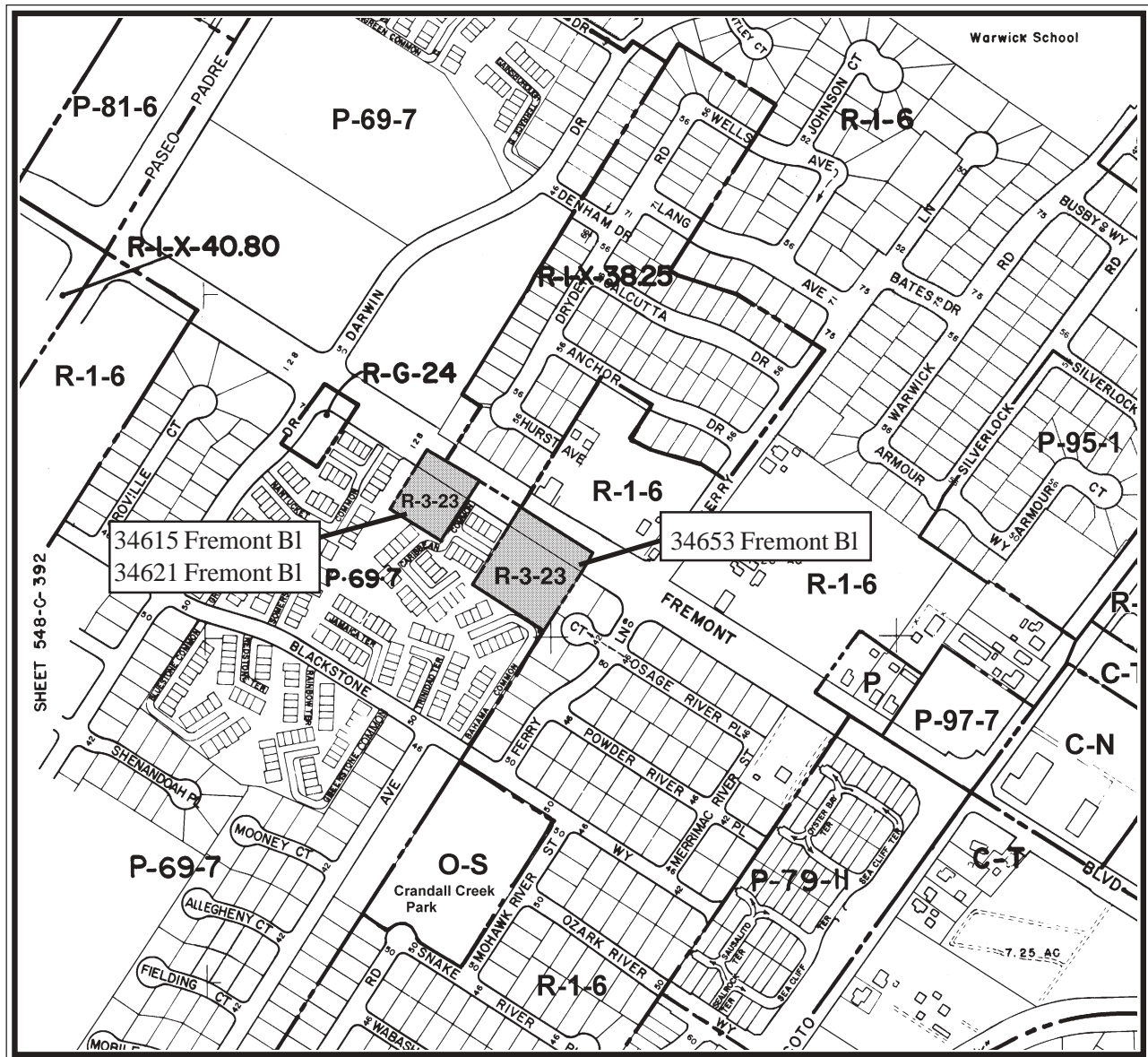
**Ordinance No.** \_\_\_\_\_

adopted by the City Council of the City of Fremont, California

**On the** \_\_\_\_\_ **day of** \_\_\_\_\_, **20** 04.

## ZONING MAP (SECTION)

AFFECTS ZONING MAP(S) FOR THE NORTHERN PLAIN PLANNING AREA



**From:** R-G-24

**To:** R-3-23

**Project Name:** Housing Element Implementation Program #18

**Project Number:** PLN2004-00265 (Rez)

[pc on 06-10-04] 54-392



# EXHIBIT "A"

Attached to and made a part of

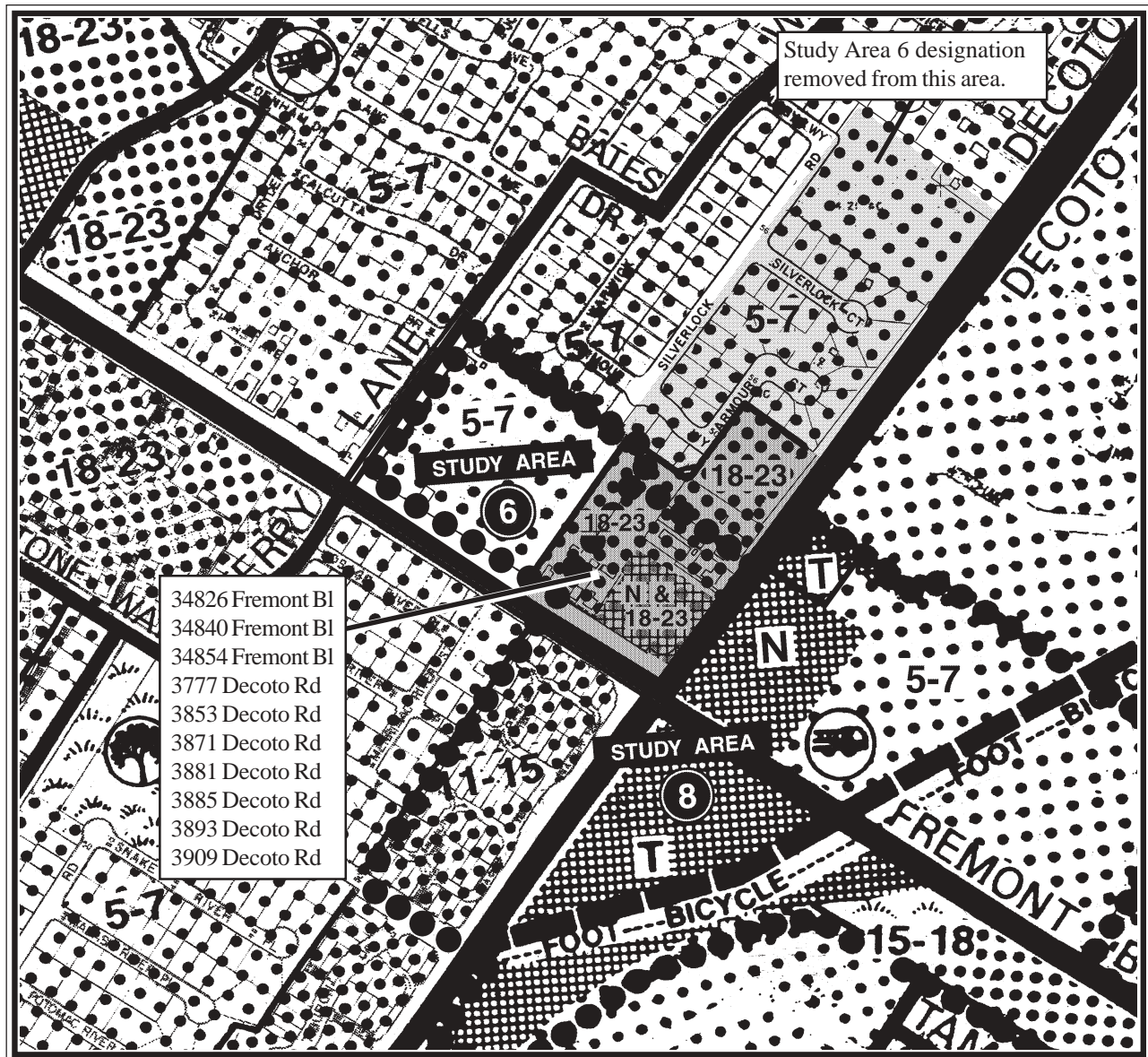
**Resolution No.** \_\_\_\_\_

adopted by the City Council of the City of Fremont, California

**On the** \_\_\_\_\_ **day of** \_\_\_\_\_, **20** 04.

## GENERAL PLAN LAND USE DIAGRAM (SECTION)

AFFECTS LAND USE DIAGRAM(S) FOR THE NORTHERN PLAIN PLANNING AREA



**From:** Residential, Low 5-7 du/ac, Neighborhood Commercial, & Study Area 6

[pc on 06-10-04] 54-392

**To:** Residential, Med 18-23 du/ac, Neighborhood Com and Residential, Med 18-23 du/ac, & Study Area 8

**Project Name:** Housing Element Implementation Program #18

**Project Number:** PLN2004-00268 (GPA)

# EXHIBIT "B"

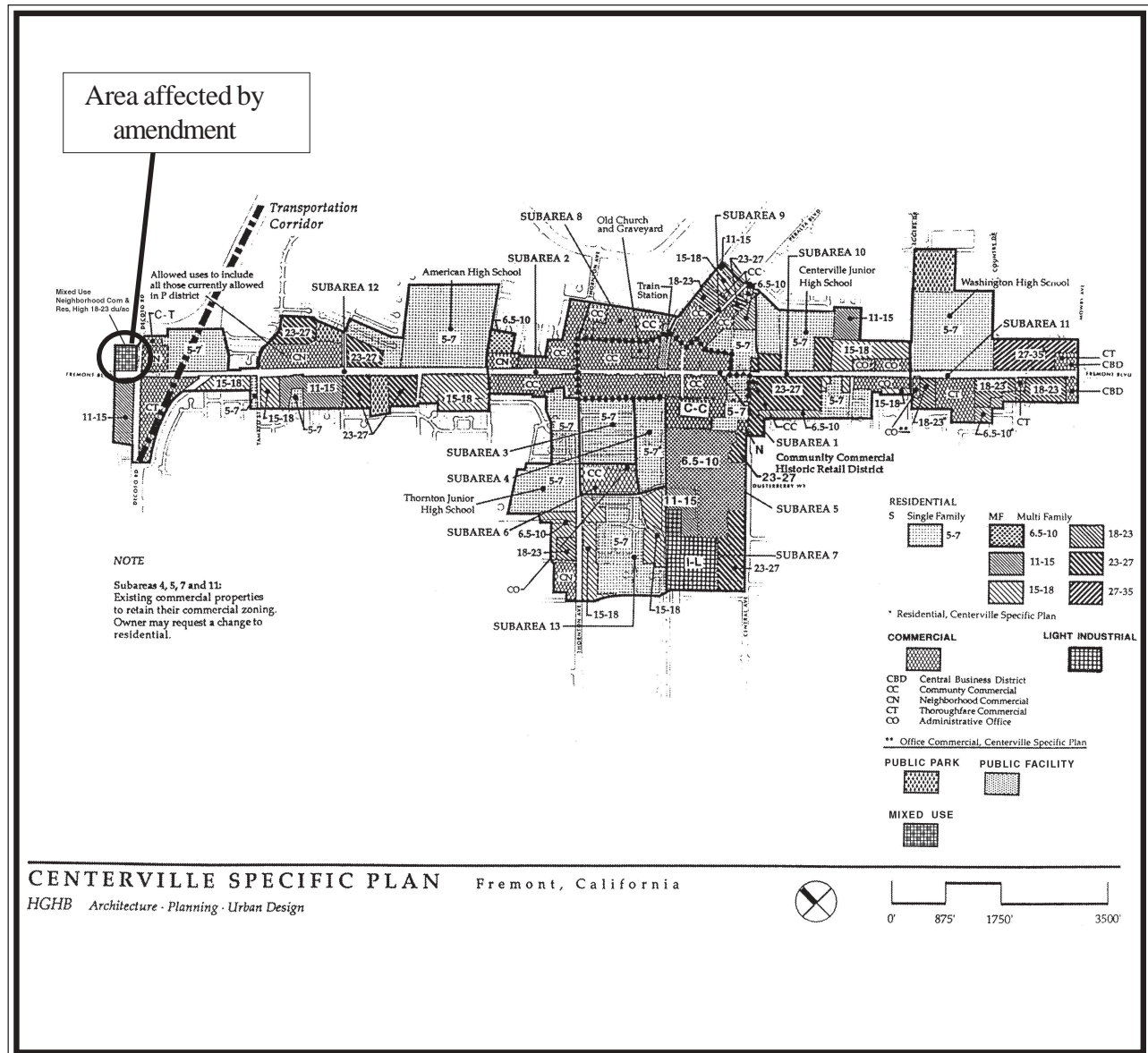
Attached to and made a part of

**Resolution No.** \_\_\_\_\_

adopted by the City Council of the City of Fremont, California

**On the** \_\_\_\_\_ **day of** \_\_\_\_\_, 20\_\_\_\_.

## CENTERVILLE SPECIFIC PLAN OVERLAY (SECTION) CITY OF FREMONT, CALIFORNIA



**From:** Neighborhood Commercial

**To:** Neighborhood Commercial and Residential, High 18-23 du/ac

**AFFECTS THE LAND USE DIAGRAM  
FOR THE CENTERVILLE and NORTHERN PLAIN PLANNING AREAS**

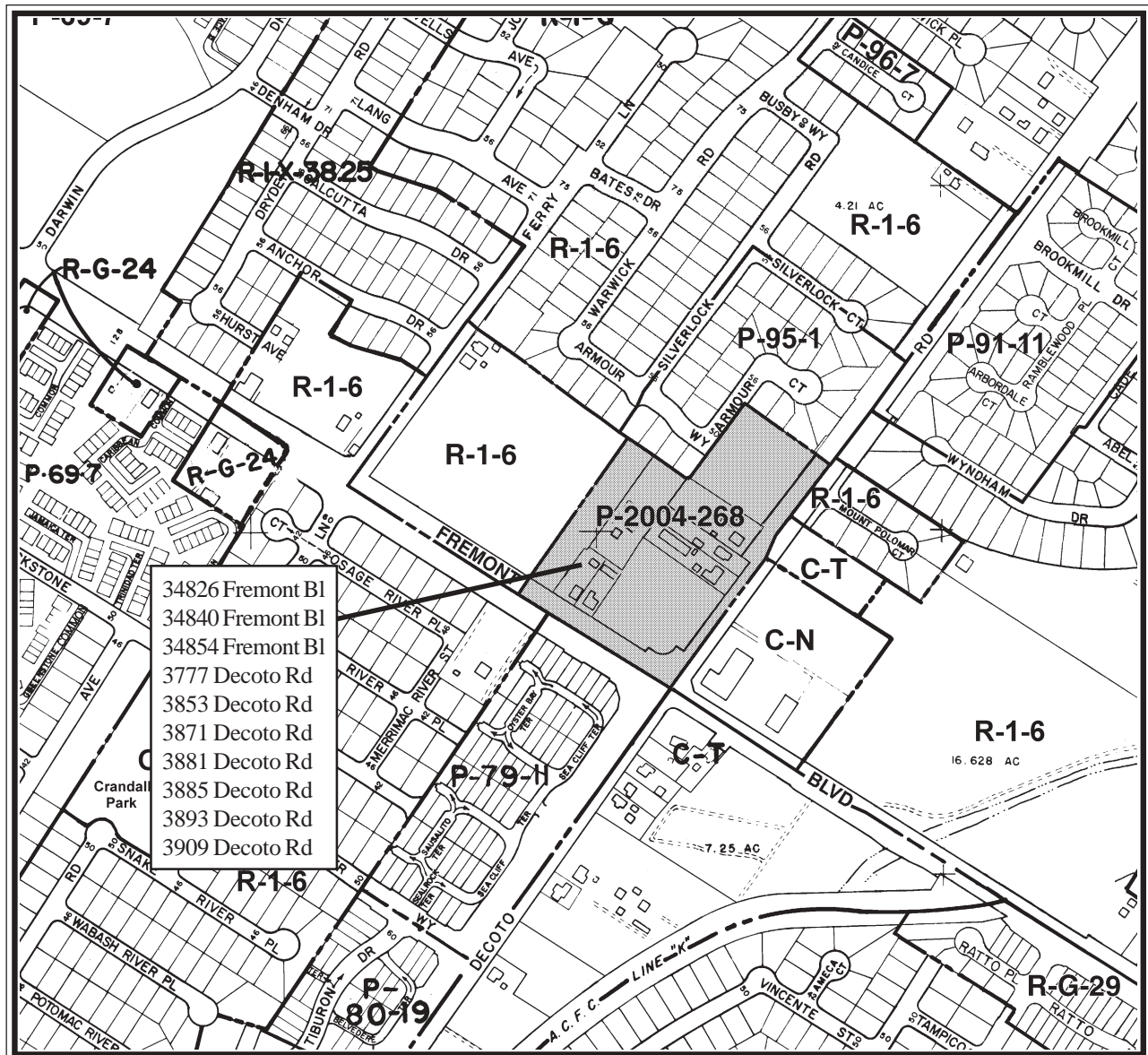
Associated files:

PLN2004-00268 (GPA, Specific Plan Amendment, Rezoning)

[pc 06-10-2004] 54-392

*On the \_\_\_\_\_ day of \_\_\_\_\_, 2004.*

## AFFECTS ZONING MAP(S) FOR THE NORTHERN PLAIN PLANNING AREA



**To: P-2004-268**

**Project Number: PLN2004-00268 (PD)**

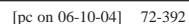
[pc on 06-10-04] 54-392





*On the \_\_\_\_\_ day of \_\_\_\_\_, 20 04.*

**AFFECTS LAND USE DIAGRAM(S) FOR THE CENTRAL PLANNING AREA**



# EXHIBIT "B"

Attached to and made a part of

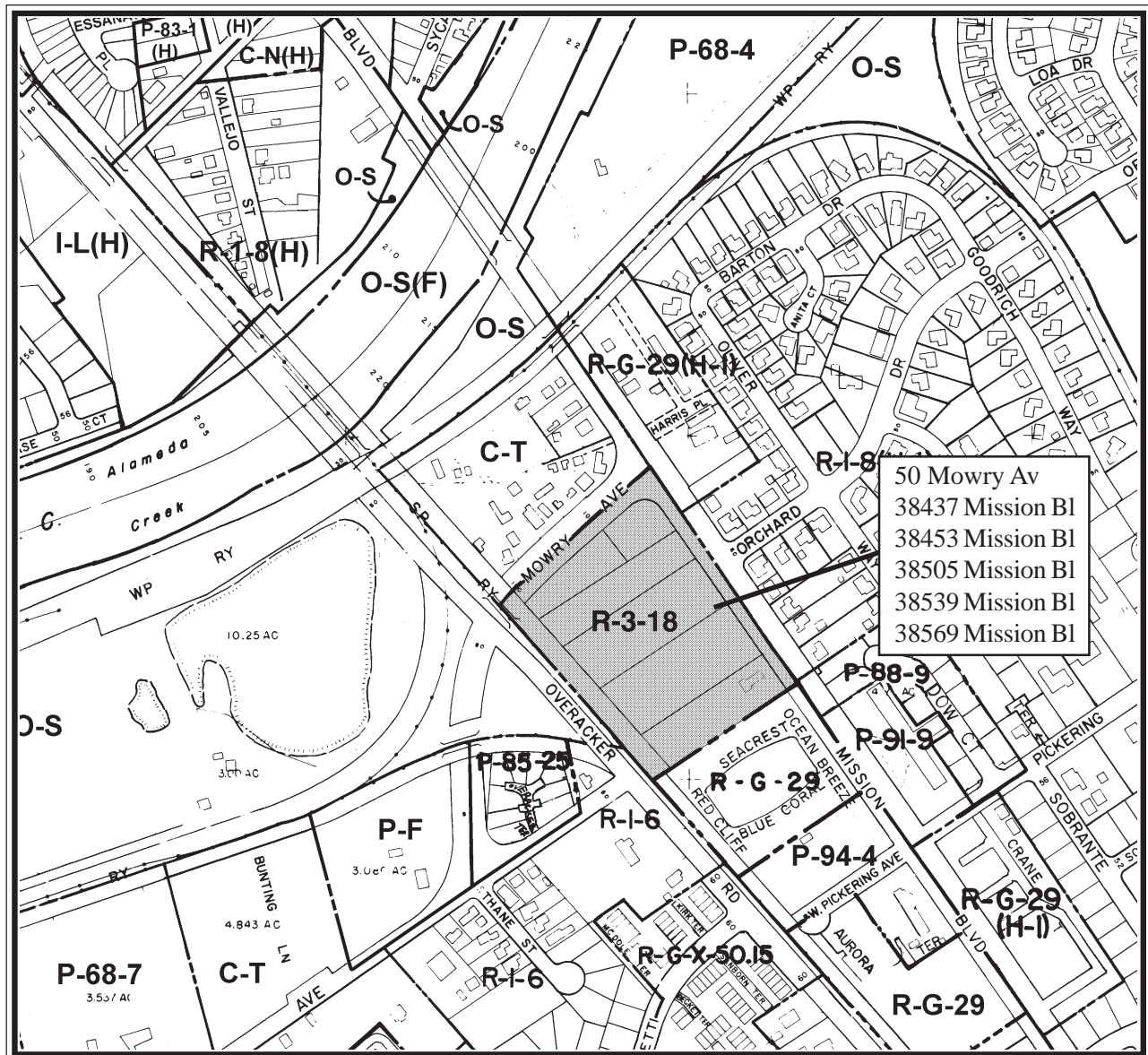
**Ordinance No.** \_\_\_\_\_

adopted by the City Council of the City of Fremont, California

**On the** \_\_\_\_\_ **day of** \_\_\_\_\_, **20** 04.

## ZONING MAP (SECTION)

AFFECTS LAND USE DIAGRAM(S) FOR THE CENTRAL PLANNING AREA



From: R-1-6

To: R-3-18

Project Name: Housing Element Implementation Program #18

Project Number: PLN2004-00270 (Rez)

[pc on 06-10-04] 72-392



# EXHIBIT "A"

Attached to and made a part of

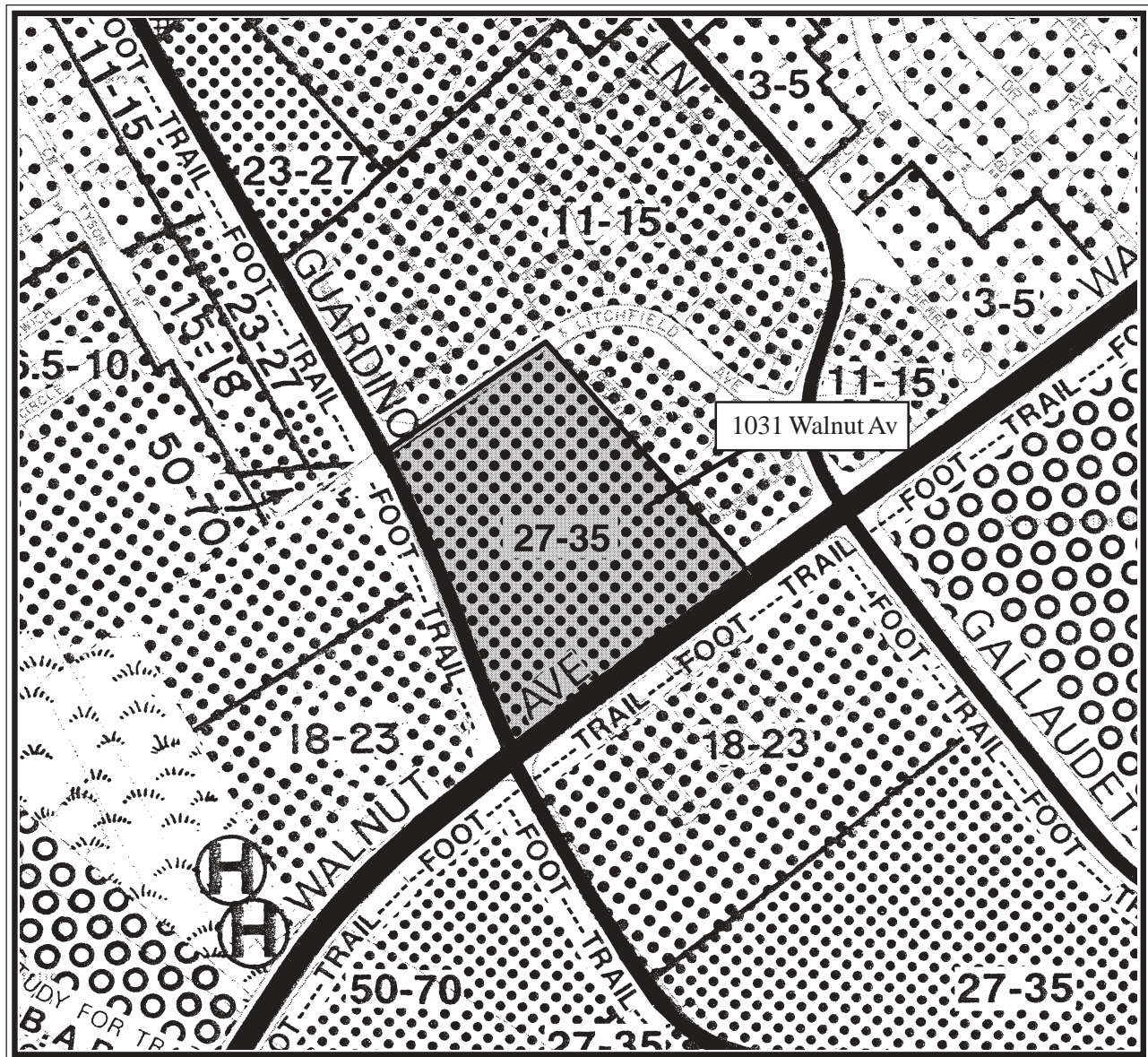
**Resolution No.** \_\_\_\_\_

adopted by the City Council of the City of Fremont, California

**On the** \_\_\_\_\_ **day of** \_\_\_\_\_, **20** 04 .

## GENERAL PLAN LAND USE DIAGRAM (SECTION)

AFFECTS LAND USE DIAGRAM(S) FOR THE CENTRAL PLANNING AREA



**From:** Residential, Med 15-18 du/ac

**To:** Residential, High 27-35 du/ac

[pc on 06-10-04] 72-388

**Project Name:** Housing Element Implementation Program #18

**Project Number:** PLN2004-00267 (GPA)

# EXHIBIT "B"

Attached to and made a part of

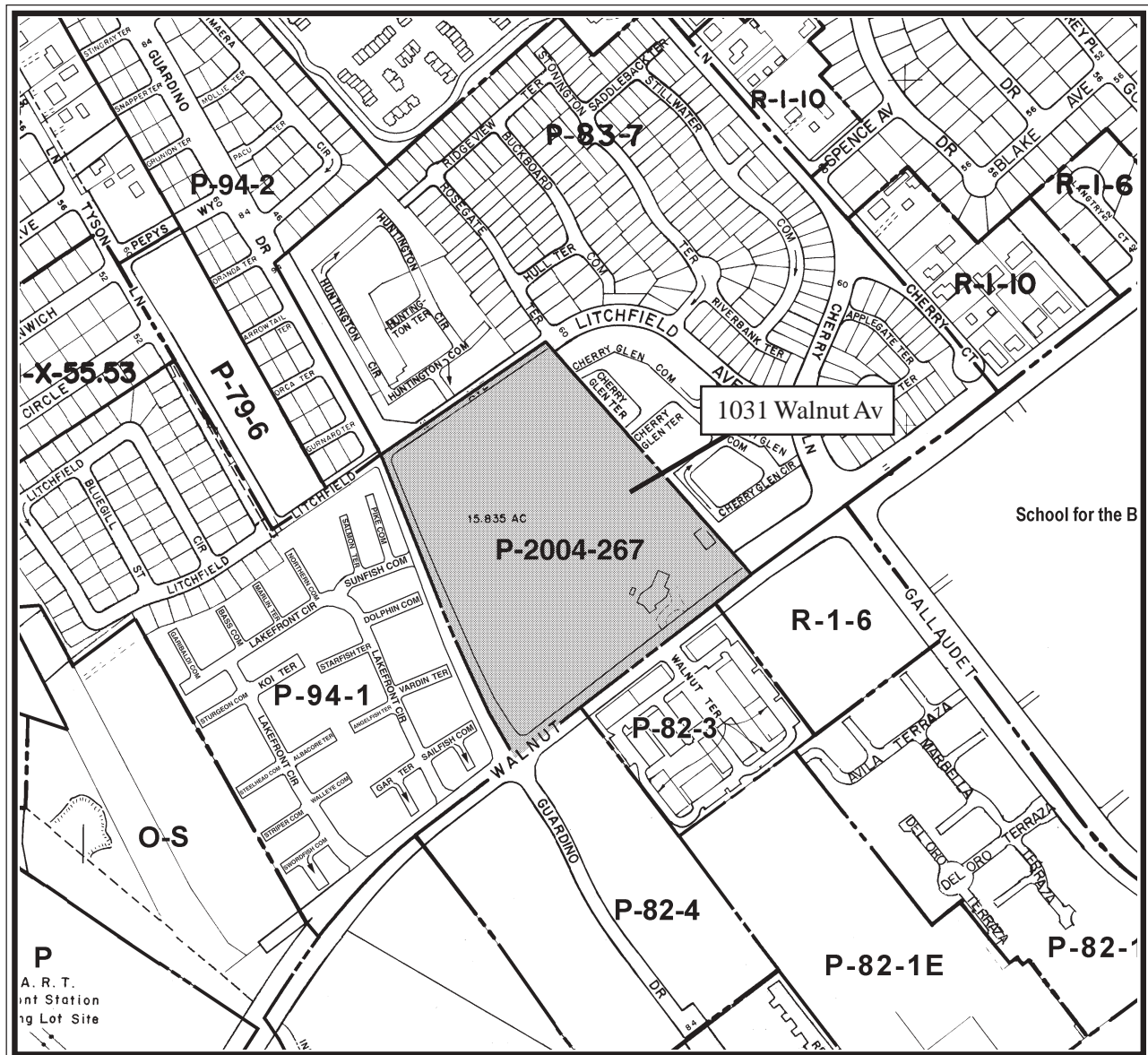
**Ordinance No.** \_\_\_\_\_

adopted by the City Council of the City of Fremont, California

**On the** \_\_\_\_\_ **day of** \_\_\_\_\_, **20** 04.

## ZONING MAP (SECTION)

AFFECTS ZONING MAP(S) FOR THE CENTRAL PLANNING AREA



From: P-94-2

To: P-2004-267

[pc on 06-10-04] 72-388

**Project Name:** Housing Element Implementation Program #18

**Project Number:** PLN2004-00267 (PD)



# EXHIBIT "A"

Attached to and made a part of

**Resolution No.** \_\_\_\_\_

adopted by the City Council of the City of Fremont, California

**On the** \_\_\_\_\_ **day of** \_\_\_\_\_, **20 04** .

## GENERAL PLAN LAND USE DIAGRAM (SECTION)

AFFECTS LAND USE DIAGRAM(S) FOR THE CENTERVILLE PLANNING AREA



From: Residential, Med 6.5-10 du/ac, Collector street

To: Residential, High 23-27du/ac, Collector street

[pc on 06-10-04] 66-388

Project Name: Housing Element Implementation Program #18

Project Number: PLN2004-00269 (GPA)



